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STATE OF NORTH CAROLINA

1959

Session Laws and Resolutions

PASSED BY THE

GENERAL ASSEMBLY

AT THE

REGULAR SESSION

HELD IN THE CITY OF RALEIGH

BEGINNING ON

WEDNESDAY, THE FOURTH DAY OF FEBRUARY, A.D. 1959

PUBLISHED BY AUTHORITY

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Onslow	CARL V. VENTERS	Jacksonville
Orange	J. W. UMSTEAD, JR.	Chapel Hill
Pamlico	NED DELAMAR	Oriental
Pasquotank	KILLIAN BARWICK	Elizabeth City
Pender	ASHLEY M. MURPHY	Atkinson
Perquimans	CARROLL R. HOLMES	Hertford
Person	B. I. SATTERFIELD	Timberlake
Pitt	WALTER JONES	Farmville
Pitt	FRANK M. WOOTEN, JR.	Greenville
Polk	J. THURSTON ARLEDGE	Tryon
Randolph	SAM J. BURROW, JR.	Asheboro
Richmond	FRED W. BYNUM, JR.	Rockingham
Robeson	DAVID M. BRITT	Fairmont
Robeson	JOHN B. REGAN	St. Pauls
Rockingham	RADFORD G. POWELL	Reidsville
Rowan	CLYDE H. HARRISS	Salisbury
Rowan	GEO. R. UZZELL	Salisbury
Rutherford	J. TOLIVER DAVIS	Forest City
Sampson	TOM NEWMAN	Clinton
Scotland	ROGER C. KISER	Laurinburg
Stanly	FRANK N. PATTERSON, JR.	Albemarle
Stokes	MRS. GRACE TAYLOR RODENBOUGH	Walnut Cove
Surry	WILLIAM G. REID	Pilot Mountain
Swain	C. R. CRAWFORD	Whittier
Transylvania	JAMES C. GAITHER	Brevard
Tyrrell	WM. CHARLES COHOON	Columbia
Union	S. GLENN HAWFIELD	Monroe
Vance	A. A. ZOLLICOFFER, JR.	Henderson
Wake	W. C. HARRIS, JR.	Raleigh
Wake	PHILIP R. WHITLEY	Wendell
Wake	W. BRANTLEY WOMBLE	Cary
Warren	JOHN KERR, JR.	Warrenton
Washington	DR. J. M. PHELPS	Creswell
Watauga	J. E. EDMISTEN	Boone
Wayne	ROLAND C. BRASWELL	Goldsboro
Wilkes	T. E. STORY (R)	N. Wilkesboro
Wilson	THOMAS H. WOODARD	Wilson
Yadkin	FRANK BRYANT	Boonville
Yancey	HARLON HOLCOMBE	Burnsville

ENROLLING AND INDEXING DEPARTMENT

NAME	POSITION	ADDRESS
L. M. CHAFFIN	Enrolling Clerk	Lillington
WILLIAM LASSITER	Indexer of Laws	Raleigh

CONSTITUTION

OF THE

State of North Carolina

PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution:

ARTICLE I

DECLARATION OF RIGHTS

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people may be defined and affirmed, we do declare:

SECTION 1. *The equality and rights of persons.* That we hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

SEC. 2. *Political power and government.* That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 3. *Internal government of the State.* That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

SEC. 4. *That there is no right to secede.* That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union or to sever said Nation, ought to be resisted with the whole power of the State.

SEC. 5. *Of allegiance to the United States Government.* That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

SEC. 6. *Public debt; bonds issued under ordinance of Convention of 1868, '68-'69, '69-'70, declared invalid; exception.* The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay; or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

SEC. 7 *Exclusive emoluments, et cetera.* No person or set of persons are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

SEC. 8. *The legislative, executive and judicial powers distinct.* The legislative, executive, and supreme judicial powers of the government ought to be forever separate and distinct from each other.

SEC. 9. *Of the power of suspending laws.* All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

SEC. 10. *Elections free.* All elections ought to be free.

SEC. 11. *In criminal prosecutions.* In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

SEC. 12. *Answers to criminal charges.* No person shall be put to answer any criminal charge except as hereinafter allowed, but by indictment, presentment, or impeachment. But any person, when represented by counsel, may, under such regulations as the Legislature shall prescribe, waive indictment in all except capital cases.

SEC. 13. *Right of jury.* No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful persons in open court. The Legislature may, however, provide other means of trial, for petty misdemeanors, with the right of appeal.

SEC. 14. *Excessive bail.* Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SEC. 15. *General warrants.* General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

SEC. 16. *Imprisonment for debt.* There shall be no imprisonment for debt in this State, except in cases of fraud.

SEC. 17. *No persons taken, etc., but by law of land.* No person ought to be taken, imprisoned or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land.

SEC. 18. *Persons restrained of liberty.* Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

SEC. 19. *Controversies at law respecting property.* In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. No person shall be excluded from jury service on account of sex.

SEC. 20. *Freedom of the press.* The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

SEC. 21. *Habeas corpus.* The privileges of the writ of habeas corpus shall not be suspended.

SEC. 22. *Property qualification.* As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office.

SEC. 23. *Representation and taxation.* The people of the State ought not to be taxed, or made subject to the payment of any impost or duty without the consent of themselves, or their representatives in General Assembly, freely given.

SEC. 24. *Militia and the right to bear arms.* A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

SEC. 25. *Right of the people to assemble together.* The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

SEC. 26. *Religious liberty.* All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own con-

sciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

SEC. 27. *Education.* The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

SEC. 28. *Elections should be frequent.* For redress of grievances, and for amending and strengthening the laws, elections should be often held.

SEC. 29. *Recurrence to fundamental principles.* A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

SEC. 30. *Hereditary emoluments, etc.* No hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.

SEC. 31. *Perpetuities, etc.* Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

SEC. 32. *Ex post facto laws.* Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto law* ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

SEC. 33. *Slavery prohibited.* Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby, forever prohibited within the State.

SEC. 34. *State boundaries.* The limits and boundaries of the State shall be and remain as they now are.

SEC. 35. *Courts shall be open.* All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

SEC. 36. *Soldiers in time of peace.* No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

SEC. 37. *Other rights of the people.* This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II

LEGISLATIVE DEPARTMENT

SECTION 1. *Two branches.* The legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: a Senate and House of Representatives.

SEC. 2. *Time of assembly.* The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in February next after their election, unless a different day shall be provided by law; and when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.

SEC. 3. *Number of senators.* The Senate shall be composed of fifty Senators, biennially chosen by ballot.

SEC. 4. *Regulations in relation to districting the State for Senators.* The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators.

SEC. 5. *Regulations in relation to apportionment of representatives.* The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the districts for the Senate are hereinbefore directed to be laid off.

SEC. 6. *Ratio of representation.* In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio there shall be assigned one Representative; to each county containing twice but not three times the said ratio there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

SEC. 7. *Qualifications for senators.* Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he was chosen one year immediately preceding his election.

SEC. 8. *Qualifications for representatives.* Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

SEC. 9. *Election of officers.* In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce.*

SEC. 10. *Powers in relation to divorce and alimony.* The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

SEC. 11. *Private laws in relation to names of persons, etc.* The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

SEC. 12. *Thirty days notice shall be given anterior to passage of private laws.* The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.

SEC. 13. *Vacancies.* If a vacancy shall occur in the General Assembly by death, resignation or otherwise, the said vacancy shall be filled immediately by the Governor appointing the person recommended by the executive committee of the county in which the deceased or resigned member was resident, being the executive committee of the political party with which the deceased or resigned member was affiliated at the time of his election.

SEC. 14. *Revenue.* No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

SEC. 15. *Entails.* The General Assembly shall regulate entails in such a manner as to prevent perpetuities.

SEC. 16. *Journals.* Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

SEC. 17. *Protest.* Any member of either House may dissent from, and protest against, any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal.

SEC. 18. *Officers of the House.* The House of Representatives shall choose their own Speaker and other officers.

SEC. 19. *President of the Senate.* The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.

SEC. 20. *Other senatorial officers.* The Senate shall choose its other officers, and also a Speaker (*pro tempore*) in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.

SEC. 21. *Style of the acts.* The style of the acts shall be: "The General Assembly of North Carolina do enact."

SEC. 22. *Powers of the General Assembly.* Each House shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day, or other place.

SEC. 23. *Bills and resolutions to be read three times, etc.* All bills and resolutions of a legislative nature shall be read three times in each House before they pass into laws, and shall be signed by the presiding officers of both Houses.

SEC. 24. *Oath of members.* Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

SEC. 25. *Terms of office.* The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

SEC. 26. *Yeas and nays.* Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

SEC. 27. *Election for members of the General Assembly.* The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections.

SEC. 28. *Pay of members and presiding officers of the General Assembly.* The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of fifteen dollars ($15.00) per day for each day of their session for a period not exceeding 120 days. The compensation of the presiding officers of the two houses shall be twenty dollars ($20.00) per day for a period not exceeding 120 days. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding 25 days. The members and presiding officers shall also receive, while engaged in legislative duties, such subsistence and travel allowance as shall be established by law; provided, such allowances shall not exceed those established for members of State boards and commissions generally.

SEC. 29. *Limitations upon power of General Assembly to enact private or special legislation.* The General Assembly shall not pass any local, private or special act or resolution relating to the establishment of courts inferior to the Superior Court; relating to the appointment of justices of the peace; relating to health, sanitation, and the abatement of nuisances; changing the names of cities, towns, and townships; authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys; relating to ferries or bridges; relating to non-navigable streams; relating to cemeteries; relating to the pay of jurors; erecting new townships, or changing township lines, or establishing or changing the lines of school districts; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade, mining, or manufacturing; extending the time for the assessment or collection

of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, private or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private or special laws enacted by it. Any local, private, or special act or resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.

SEC. 30. *Inviolability of sinking funds.* The General Assembly shall not use nor authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created.

SEC. 31. *Use of funds of Teachers' and State Employees' Retirement System restricted.* The General Assembly shall not use, or authorize to be used, nor shall any agency of the State, public officer or public employee use or authorize to be used the funds, or any part of the funds, of the Teachers' and State Employees' Retirement System except for retirement system purposes. The funds for the Teachers' and State Employees' Retirement System shall not be applied, diverted, loaned to or used by the State, any State agency, State officer, public officer or employee except for purposes of the Retirement System: Provided, that nothing in this Section shall prohibit the use of said funds for the payment of benefits as authorized by the Teachers' and State Employees' Retirement Law, nor shall anything in this provision prohibit the proper investment of said funds as may be authorized by law.

ARTICLE III

EXECUTIVE DEPARTMENT

SECTION 1. *Officers of the Executive Department; Terms of Office.* The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State; a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: Provided, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

SEC. 2. *Qualifications of Governor and Lieutenant-Governor.* No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before election; nor shall the person elected to either of these two

offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

SEC. 3. *Returns of elections.* The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officer, directed to the Secretary of State. The return shall be canvassed and the result declared in such manner as may be prescribed by law. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

SEC. 4. *Oath of office for Governor.* The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

SEC. 5. *Duties of Governor.* The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

SEC. 6. *Reprieves, commutations and pardons.* The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation, or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefor. The terms reprieves, commutations and pardons shall not include paroles. The General Assembly is authorized and empowered to create a Board of Paroles, provide for the appointment of the members thereof, and enact suitable laws defining the duties and authority of such board to grant, revoke and terminate paroles. The Governor's power of paroles shall continue until July 1, 1955, at which time said power shall cease and shall be vested in such Board of Paroles as may be created by the General Assembly.

SEC. 7. *Annual reports from officers of Executive Department and of public institutions.* The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

SEC. 8. *Commander-in-Chief.* The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

SEC. 9. *Extra sessions of the General Assembly.* The Governor shall have power on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

SEC. 10. *Officers whose appointments are not otherwise provided for.* The Governor shall nominate, and by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

SEC. 11. *Duties of the Lieutenant-Governor.* The Lieutenant-Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall receive such compensation as shall be fixed by the General Assembly.

SEC. 12. *In case of impeachment of Governor, or vacancy caused by death or resignation.* In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in any wise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number president of their body; and the powers, duties, and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such president.

SEC. 13. *Duties of other executive officers.* The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article. Provided, that when the unexpired term of any of the offices named in this section in which such vacancy has occurred expires on the first day of January succeeding the next general election, the Governor shall appoint to fill said vacancy for the unexpired term of said office.

SEC. 14. *Council of State.* The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture, Com-

missioner of Labor, and Commissioner of Insurance shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a journal, to be kept for this purpose, exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney General shall be, *ex officio*, the legal adviser of the executive department.

SEC. 15. *Compensation of executive officers.* The officers mentioned in this article shall at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

SEC. 16. *Seal of State.* There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "The Great Seal of the State of North Carolina". All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State", signed by the Governor, and countersigned by the Secretary of State.

SEC. 17. *Department of Agriculture, Immigration and Statistics.* The General Assembly shall establish a Department of Agriculture, Immigration, and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

SEC. 18. *Department of Justice.* The General Assembly is authorized and empowered to create a Department of Justice under the supervision and direction of the Attorney General, and to enact suitable laws defining the authority of the Attorney General and other officers and agencies concerning the prosecution of crime and the administration of the criminal laws of the State.

ARTICLE IV

JUDICIAL DEPARTMENT

SECTION 1. *Abolishes the distinctions between actions at law and suits in equity, and feigned issues.* The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the facts at issue tried by order of court before a jury.

SEC. 2. *Division of judicial powers.* The judicial power of the State shall be vested in a court for the trial of impeachments, a Supreme Court, Superior Courts, courts of justices of the peace, and such other courts inferior to the Supreme Court as may be established by law.

SEC. 3. *Trial court of impeachment.* The court for the trial of impeachments shall be the senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

SEC. 4. *Impeachment.* The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the senators present. When the Governor is impeached, the Chief Justice shall preside.

SEC. 5. *Treason against the State.* Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainer shall work corruption of blood or forfeiture.

SEC. 6. *Supreme Court.* The Supreme Court shall consist of a Chief Justice and four Associate Justices. The General Assembly may increase the number of Associate Justices to not more than six when the work of the Court so requires. The Court shall have power to sit in divisions, when in its judgment this is necessary for the proper dispatch of business, and to make rules for the distribution of business between the divisions and for the hearing of cases by the full Court. No decision of any division shall become the judgment of the Court unless concurred in by a majority of all the justices; and no case involving a construction of the Constitution of the State or of the United States shall be decided except by the Court *in banc.* All sessions of the Court shall be held in the city of Raleigh. This amendment made to the Constitution of North Carolina shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled or held by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof. The General Assembly is vested with authority to provide for the retirement of members of the Supreme Court and for the recall of such retired members to serve on said Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated.

SEC. 7. *Terms of the Supreme Court.* The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

SEC. 8. *Jurisdiction of Supreme Court.* The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

SEC. 9. *Claims against the State.* The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall

be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

SEC. 10. *Judicial Districts for Superior Courts.* The General Assembly shall divide the State into a number of judicial districts which number may be increased or reduced and shall provide for the election of one or more Superior Court judges for each district. There shall be a Superior Court in each county at least twice in each year to continue for such time in each county as may be prescribed by law.

SEC. 11. *Judicial Districts; Rotation; Special Superior Court Judges; Assignment of Superior Court Judges by Chief Justice.* Each Judge of the Superior Court shall reside in the district for which he is elected. The General Assembly may divide the State into a number of judicial divisions. The judges shall preside in the courts of the different districts within a division successively; but no judge shall hold all the courts in the same district oftener than once in four years. The General Assembly may provide by general laws for the selection or appointment of Special or Emergency Superior Court Judges not assigned to any judicial district, who may be designated from time to time by the Chief Justice to hold court in any district or districts within the State; and the General Assembly shall define their jurisdiction and shall provide for their reasonable compensation. The Chief Justice, when in his opinion the public interest so requires, may assign any Superior Court Judge to hold one or more terms of Superior Court in any district.

SEC. 12. *Jurisdiction of courts inferior to Supreme Court.* The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a coordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals; and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

SEC. 13. *In case of waiver of trial by jury.* In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

SEC. 14. *Special courts in cities.* The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary.

SEC. 15. *Clerk of the Supreme Court.* The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

SEC. 16. *Election of Superior Court clerk.* A clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

SEC. 17. *Term of office.* Clerks of the Superior Courts shall hold their offices for four years.

SEC. 18. *Fees, salaries and emoluments.* The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this article; but the salaries of the judges shall not be diminished during their continuance in office.

SEC. 19. *What laws are, and shall be, in force.* The laws of North Carolina, not repugnant to this Constitution or the Constitution and laws of the United States, shall be in force until lawfully altered.

SEC. 20. *Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.* Actions at law and suits in equity pending when this Constitution shall go into effect shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending at the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practices now in use, unless otherwise provided for by said rules.

SEC. 21. *Elections; terms of office, etc., of Justices of the Supreme and Judges of the Superior Courts.* The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their office for eight years. The General Assembly may, from time to time, provide by law that the judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

SEC. 22. *Transaction of business in the Superior Courts.* The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

SEC. 23. *Solicitors and Solicitorial Districts.* The State shall be divided into twenty-one solicitorial districts, for each of which a solicitor shall be chosen by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State in all criminal actions in the Superior Courts, and advise the officers of justice in his district. But the General Assembly may reduce or increase the number of solicitorial districts, which need not correspond to, or be the same as, the judicial districts of the State.

SEC. 24. *Sheriffs and Coroners.* In each county a sheriff and a coroner shall be elected by the qualified voters thereof as is prescribed for the members of the General Assembly, and shall hold their offices for a period of four years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for a period of two years. When there is no coroner in a county the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the commissioners of the county may appoint to such office for the unexpired term.

SEC. 25. *Vacancies.* All vacancies occurring in the offices provided for by this Article of the Constitution shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly that is held more than 30 days after such vacancy occurs, when elections shall be held to fill such offices. Provided, that when the unexpired term of any of the offices named in this Article of the Constitution in which such vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next General Election, the Governor shall appoint to fill said vacancy for the unexpired term of said office. If any person elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

SEC. 26. *Terms of office of first officers.* The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

SEC. 27. *Jurisdiction of justices of the peace.* The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy, and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to the justices of the peace jurisdiction of other civil actions wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a justice, on demand of either party thereto he shall cause a jury of six men to be summoned, who shall try the same. The party against whom the judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature the party against whom the judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file the same with the clerk of the Superior Court for his country.

SEC. 28. *Vacancies in office of justices.* When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

SEC. 29. *Vacancies in office of Superior Court Clerk.* In case the office of clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

SEC. 30. *Officers of other courts inferior to Supreme Court.* In case the General Assembly shall establish other courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

SEC. 31. *Removal of judges of the various courts for inability.* Any judge of the Supreme Court, or of the Superior Courts, and the presiding officers of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The judge or presiding officer against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

SEC. 32. *Removal of clerks of the various courts for inability.* Any clerk of the Supreme Court, or of the Superior Courts, or of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, the clerk of the Supreme Court by the judges of said court, the Clerks of the Superior Courts by the judge riding the district, and the clerks of such courts inferior to the Supreme Court as may be established by law by the presiding officers of said courts. The clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court, as provided in other cases of appeals.

SEC. 33. *Amendments not to vacate existing offices.* The amendments made to the Constitution of North Carolina by this convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held, by virtue of any election or appointment under the said Constitution and the laws of the State made in pursuance thereof.

ARTICLE V

REVENUE AND TAXATION

SECTION 1. *Capitation tax; exemptions.* The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.

SEC. 2. *Application of proceeds of State and county capitation tax.* The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

SEC. 3. *State taxation.* The power of taxation shall be exercised in a just and equitable manner, and shall never be surrendered, suspended or contracted away. Taxes on property shall be uniform as to each class of property taxed. Taxes shall be levied only for public purposes, and every act levying a tax shall state the object to which it is to be applied. The General Assembly may also tax trades, professions, franchises, and incomes: Provided, the rate of tax on income shall not in any case exceed ten per cent (10%), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to-wit: for a married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than $2,000; to all other persons not less than $1,000, and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.

SEC. 4. *Limitations upon the increase of public debts.* The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit for the following purposes: To fund or refund a valid existing debt; to borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding fifty per centum of such taxes; to supply a casual deficit; to suppress riots or insurrections, or to repel invasions. For any purpose other than these enumerated, the General Assembly shall have no power, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium, unless the subject be submitted to a vote of the people of the State; and for any purpose other than these enumerated the General Assembly shall have no power to authorize counties or municipalities to contract debts, and counties and municipalities shall not contract debts, during any fiscal year, to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality. In any election held in the State or in any county or municipality under the provisions of this section, the proposed indebtedness must be approved by a majority of those who shall vote thereon. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

SEC. 5. *Property exempt from taxation.* Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable, or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers; libraries and scien-

tific instruments, or any other personal property, to a value not exceeding three hundred dollars. The General Assembly may exempt from taxation not exceeding one thousand dollars ($1,000.00) in value of property held and used as the place of residence of the owner.

SEC. 6. *Taxes levied for counties.* The total of the State and county tax on property shall not exceed twenty cents (20¢) on the one hundred dollars ($100.00) value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: Provided, this limitation shall not apply to taxes levied for the maintenance of the public schools of the State for the term required by Article IX, Section 3, of the Constitution: Provided, further, the State tax shall not exceed five cents (5¢) on the one hundred dollars ($100.00) value of property.

SEC. 7. *Acts levying taxes shall state objects, etc.* Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

SECTION 1. *Who may vote.* Every person born in the United States, and every person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

SEC. 2. *Qualifications of voter.* Any person who shall have resided in the State of North Carolina for one year, and in the precinct, ward or other election district in which such person offers to vote for thirty days next preceding an election, and possessing the other qualifications set out in this article, shall be entitled to vote at any election held in this State; provided, that removal from one precinct, ward or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which such person has removed until thirty days after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

SEC. 3. *Voters to be registered.* Every person offering to vote shall be at the time a legally registered voter as herein prescribed, and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

Sec. 4. *Qualification for registration.* Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the

laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: Provided, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article.

SEC. 5. *Indivisible plan; legislative intent.* That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and make them so dependent upon each other, that the whole shall stand or fall together.

SEC. 6. *Elections by people and General Assembly.* All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce.*

SEC. 7. *Eigibility to office; official oath.* Every voter in North Carolina except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office, he shall take and subscribe the following oath:

"I, ..., do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as..... So help me, God."

SEC. 8. *Disqualification for office.* The following classes of persons shall be disqualified for office: first, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

SEC. 9. *When this chapter operative.* That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

ARTICLE VII

MUNICIPAL CORPORATIONS

SECTION 1. *County officers.* In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register

of deeds, surveyor, and five commissioners. (Under authority of the Public Laws of 1935, c. 362, s. 13, provision was made for the quadrennial election of registers of deeds, certain counties being exempted.)

SEC. 2. *Duty of county commissioners.* It shall be the duty of the commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be *ex officio* clerk of the board of commissioners.

SEC. 3. *Counties to be divided into districts.* It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

SEC. 4. *Townships have corporate powers.* Upon the approval of the reports provided for in the foregoing section by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

SEC. 5. *Officers of townships.* In each township there shall be biennially elected, by the qualified voters thereof, a clerk and two justices of the peace, who shall constitute a board of trustees, and shall, under the supervision of the county commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of justices of the peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennally elected a school committee, consisting of three persons, whose duty shall be prescribed by law.

SEC. 6. *Trustees shall assess property.* The township board of trustees shall assess the taxable property of their townships and make return to the county commissioners for revision, as may be prescribed by law. The clerk shall be, *ex officio*, treasurer of the township.

SEC. 7. *No debt or loan except by a majority of voters.* No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless approved by a majority of those who shall vote thereon in any election held for such purpose.

SEC. 8. *No money drawn except by law.* No money shall be drawn from any county or township treasury, except by authority of law.

SEC. 9. *When officers enter on duty.* The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

SEC. 10. *Governor to appoint justices.* The Governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places until sections four, five, and six of this article shall have been carried into effect.

SEC. 11. *Charters to remain in force until legally changed.* All charters, ordinances, and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

SEC. 12. *Debts in aid of the rebellion not to be paid.* No county, city, town, or other municipal corporation shall assume or pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

SEC. 13. *Powers of General Assembly over municipal corporations.* The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this article, and substitute others in their place, except sections seven, nine and thirteen.

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL

SECTION 1. *Corporations under general laws.* No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering and organization of all corporations, and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.

SEC. 2. *Debts of corporations, how secured.* Dues from corporations shall be secured by such individual liabilities of the corporations, and other means, as may be prescribed by law.

SEC. 3. *What corporations shall include.* The term "corporation" as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural persons.

SEC. 4. *Legislature to provide for organizing cities, towns, etc.* It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

ARTICLE IX

EDUCATION

SECTION 1. *Education shall be encouraged.* Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

SEC. 2. *General Assembly shall provide for schools; separation of the races.* The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of, either race.

SEC. 3. *Counties to be divided into districts.* Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least six months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment.

SEC. 4. *What property devoted to educational purposes.* The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also all moneys, stocks, bonds, and other property now belonging to any State fund for purposes of education; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State, or by the terms of the grant, gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

SEC. 5. *County school fund; proviso.* All moneys, stocks, bonds, and other property belonging to a county school fund; also the net proceeds from the sale of estrays; also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: Provided, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

SEC. 6. *Election of trustees, and provisions for maintenance, of the University.* The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws, and regulations from time to time, as may be necessary and expedient for the maintenance and management of said University.

SEC. 7. *Benefits of the University.* The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter

accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

SEC. 8. *State Board of Education.* The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, except those mentioned in Section five of this Article, shall, from and after the first day of April, one thousand nine hundred and forty-five, be vested in the State Board of Education to consist of the Lieutenant-Governor, State Treasurer, the Superintendent of Public Instruction, and ten members to be appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts, which may be altered from time to time by the General Assembly. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. The first appointments under this section shall be: Two members appointed from educational districts for terms of two years; two members appointed from educational districts for terms of four years; two members appointed from educational districts for terms of six years; and two members appointed from educational districts for terms of eight years. One member at large shall be appointed for a period of four years and one member at large shall be appointed for a period of eight years. All subsequent appointments shall be for terms of eight years. Any appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The State Superintendent of Public Instruction shall be the administrative head of the public school system and shall be secretary of the board. The board shall elect a chairman and vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members shall be provided by the General Assembly.

SEC. 9. *Powers and Duties of the board.* The State Board of Education shall succeed to all the powers and trusts of the President and Directors of The Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers, to provide for the selection and adoption of the textbooks to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and to make all needful rules and regulations in relation thereto. All the powers enumerated in this section shall be exercised in conformity with this Constitution and subject to such laws as may be enacted from time to time by the General Assembly.

SEC. 10. *Agricultural department.* As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a department of agriculture, of mechanics, of mining, and of normal instruction.

SEC. 11. *Children must attend school.* The General Assembly is hereby empowered to enact that every child, of sufficient mental and physical ability, shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

SEC. 12. *Education expense grants and local option.* Notwithstanding any other provision of this Constitution, the General Assembly may provide for payment of education expense grants from any State or local public funds for the private education of any child for whom no public school is available or for the private education of a child who is assigned against the wishes of his parent, or the person having control of such child, to a public school attended by a child of another race. A grant shall be available only for education in a nonsectarian school, and in the case of a child assigned to a public school attended by a child of another race, a grant shall, in addition, be available only when it is not reasonable and practicable to reassign such child to a public school not attended by a child of another race.

Notwithstanding any other provision of this Constitution, the General Assembly may provide for a uniform system of local option whereby any local option unit, as defined by the General Assembly, may choose by a majority vote of the qualified voters in the unit who vote on the question to suspend or to authorize the suspension of the operation of one or more or all of the public schools in that unit.

No action taken pursuant to the authority of this Section shall in any manner affect the obligation of the State or any political subdivision or agency thereof with respect to any indebtedness heretofore or hereafter created.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

SECTION 1. *Exemptions of personal property.* The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court, issued for the collection of any debt.

SEC. 2. *Homestead.* Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town, or village with the dwellings and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from the sale for taxes, or for payment of obligations contracted for the purchase of said premises.

SEC. 3. *Homestead exemptions from debt.* The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any of them.

SEC. 4. *Laborer's lien.* The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

SEC. 5. *Benefit of widow.* If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

SEC. 6. *Property of married women secured to them.* The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried. Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by her or by herself and her husband or by her husband.

SEC. 7. *Husband may insure his life for the benefit of wife and children.* The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of her husband, or any of his creditors. And the policy shall not be subject to claims of creditors of the insured during the life of the insured, if the insurance issued is for the sole use and benefit of the wife and/or children.

SEC. 8. *How deed for homestead may be made.* Nothing contained in the foregoing sections of this article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the signature and acknowledgement of his wife.

ARTICLE XI

PUNISHMENTS, PENAL INSTITUTIONS, AND PUBLIC CHARITIES

SECTION 1. *Punishments; convict labor; proviso.* The following punishments only shall be known to the laws of this State, viz: death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: Provided, that no

convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of this State.

SEC. 2. *Death punishment.* The object of punishments being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

SEC. 3. *Penitentiary.* The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's prison or penitentiary at some central and accessible point within the State.

SEC. 4. *Houses of correction.* The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

SEC. 5. *Houses of refuge.* A house or houses of refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.

SEC. 6. *The sexes are to be separated.* It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons secure the health and comfort of the prisoners and that male and female prisoners be never confined in the same room or cell.

SEC. 7. *Provisions for the poor and orphans.* Beneficent provisions for the poor, the unfortunate and orphan, being one of the first duties of a civilized and Christian state, the General Assembly shall, at its first session, appoint and define the duties of a board of public charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

SEC. 8. *Orphan houses.* There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated, and taught some business or trade.

SEC. 9. *Inebriates and idiots.* It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

SEC. 10. *Deaf mutes, blind, and insane.* The General Assembly may provide that the indigent deaf-mute, blind, and insane of the State shall be cared for at the charge of the State.

SEC. 11. *Self-supporting.* It shall be steadily kept in view by the Legislature and the Board of Public Charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII

MILITIA

SECTION 1. *Who are liable to militia duty.* All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: Provided, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

SEC. 2. *Organizing, etc.* The General Assembly shall provide for the organizing, arming, equipping, and discipline of the militia, and for paying the same, when called into active service.

SEC. 3. *Governor commander-in-chief.* The Governor shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repel invasion.

SEC. 4. *Exemptions.* The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

ARTICLE XIII

AMENDMENTS

SECTION 1. *Convention, how called.* No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, convention or no convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

SEC. 2. *How the Constitution may be altered.* No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV

MISCELLANEOUS

SECTION 1. *Indictments.* All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon in the proper courts, but no punishment shall be inflicted which is forbidden by this Constitution.

SEC. 2. *Penalty for fighting duel.* No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

SEC. 3. *Drawing money.* No money shall be drawn from the Treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

SEC. 4. *Mechanic's lien.* The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

SEC. 5. *Governor to make appointments.* In the absence of any contrary provision, all officers of this State, whether heretofore elected or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen, and duly qualified according to the provisions of this Constitution.

SEC. 6. *Seat of government.* The seat of government in this State shall remain at the city of Raleigh.

SEC. 7. *Holding office.* No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: Provided, that nothing herein contained shall extend to officers in the militia, notaries public, justices of the peace, commissioners of public charities, or commissioners for special purposes.

SEC. 8. *Intermarriage of whites and Negroes prohibited.* All marriages between a white person and a Negro, or between a white person and a person of Negro descent to the third generation, inclusive, are hereby forever prohibited.

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SESSION LAWS

OF THE

STATE OF NORTH CAROLINA

SESSION 1959

H. B. 59 CHAPTER 1

AN ACT TO AMEND CHAPTER 315 OF THE PRIVATE LAWS OF 1911, AS AMENDED BY CHAPTER 222 OF THE SESSION LAWS OF 1953, RELATING TO THE MUNICIPAL ELECTION OF THE TOWN OF CARRBORO.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 315 of the Private Laws of 1911, as amended by Section 2 of Chapter 222 of the Session Laws of 1953, is hereby further amended by striking therefrom in the first line of the amended Section 4, the word "Monday" and inserting in lieu thereof, the word "Tuesday".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of February, 1959.

H. B. 13 CHAPTER 2

AN ACT PROVIDING FOR AN ELECTION IN THE TOWN OF CANTON UPON THE QUESTION OF ADOPTING A MODIFIED PLAN "D" FORM OF GOVERNMENT SO AS TO PROVIDE FOR A CITY MANAGER, AND DEFINING HIS DUTIES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Canton, North Carolina, shall cause a special election to be held in the Town of Canton prior to April 4, 1959, for the purpose of submitting to the qualified voters of the Town of Canton the following amendment to the Charter of the Town of Canton, the same being Chapter 90, Private Laws of 1907.

The Charter of the Town of Canton, as contained in Chapter 90, Private Laws of 1907, be and the same is hereby amended by adding after Section 4 thereof a new Section to be numbered Sec. 4 (a) and reading as follows:

"Sec. 4 (a). The Board of Commissioners of the Town of Canton, North Carolina, shall appoint an officer whose title shall be Town Manager and who shall be the chief executive officer and the head of the administrative branch of the town government. The town manager shall be chosen by the board of commissioners solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined. At the time of his appointment he need not be a resident of the town or State, but during his tenure of office he shall reside within the town. No person elected to membership on the board of commissioners shall, subsequent to such election, be eligible for appointment as town manager until one year has elapsed following the expiration of the term for which he was elected. The town manager shall serve at the pleasure of the board of commissioners and he shall receive such compensation as the board shall fix by ordinance. In case of the absence or disability of the manager, the board may designate a qualified administrative officer of the town to perform the duties of the manager during such absence or disability.

"The town manager shall be responsible to the board of commissioners for the proper administration of all affairs of the town. As chief administrator, the manager shall have the power to appoint and remove all officers and employees in the administrative service of the town, except the town attorney, auditor, clerk and treasurer, who shall be appointed by and responsible to the board of commissioners and subject to removal by the board of commissioners.

"It shall be the duty of the town manager to act as director of finance and purchasing agent; to supervise the administration of the affairs of the town; to see that the ordinances, resolutions and regulations of the board of commissioners and the laws of the State are faithfully executed; to make such recommendations to the board of commissioners concerning the affairs of the town as he shall deem expedient; to keep the board of commissioners advised of the financial condition and the future financial needs of the town; attend all meetings of the board of commissioners and prepare and submit to the board of commissioners such reports as he may deem expedient or as may be required of him by the board of commissioners; to perform all other duties as may be required by the board of commissioners."

Sec. 2. Within 15 days subsequent to the ratification of this Act, the Board of Commissioners of the Town of Canton shall fix a date for the special election authorized in Section One of this Act and shall cause notice of the special election herein provided for to be published for not less than once a week for three successive weeks prior to the date of the election in a newspaper having general circulation within the municipality.

Sec. 3. The special election provided for in this Act shall be held by the Municipal Board of Elections for the Town of Canton in accordance with the procedures for municipal elections as set forth in Chapter 131 of the Private Laws of North Carolina, 1935, except those election procedures as may be modified by the provisions of this Act. The municipal

board of elections shall hold the election on the question of adopting the amendment as provided herein on the date set by the board of commissioners as provided for in this Act.

Sec. 4. At the time of holding the special election hereinabove provided for, those voters who are in favor of the adoption of the amendment shall vote a ballot upon which shall be printed or written the words "For Amendment Providing for Town Manager Form of Government", and those voters who are opposed to the adoption of such form of government shall vote a ballot upon which shall be printed or written the words "Against Amendment Providing for Town Manager Form of Government". If at said election a majority of the votes cast shall be "For Amendment Providing for Town Manager Form of Government", the said amendment shall be adopted and become a part of the Charter of the Town of Canton and shall become effective at the time the municipal board of elections certify the result of the election to the board of commissioners. If a majority of the votes cast shall be "Against Amendment for Town Manager Form of Government", said amendment shall be null and void and shall not become a part of the Charter of the Town of Canton.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1959.

H. B. 34 CHAPTER 3

AN ACT TO AMEND CHAPTER 71 OF THE PRIVATE LAWS OF 1907 AND CHAPTER 384 OF THE PRIVATE LAWS OF 1911 TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE CITY OF ALBEMARLE TO ADOPT BY REFERENCE CERTAIN RECOGNIZED STANDARD CODES AND TO EMPOWER THE BOARD OF COMMISSIONERS TO REVISE AND CODIFY THE ORDINANCES OF THE CITY OF ALBEMARLE AND ADOPT SUCH REVISION AND RE-CODIFICATION BY REFERENCE.

The General Assembly of North Carolina do enact:

Section 1. Section 34 of Chapter 71 of the Private Laws of 1907 as amended by Section 3 of Chapter 384, Private Laws of 1911, is hereby amended by adding the following paragraph at the end thereof:

"Adoption of Codes by Reference. The Board of Commissioners is hereby authorized to adopt by reference the provisions of any portion of any recognized standard code prepared by the various trade associations, relating specifically, but not limited to, building codes; plumbing codes; electrical wiring codes; health and sanitation codes; fire prevention codes; inflammable codes and any other codes which embrace rules and regulations pertinent to a subject which is a proper municipal legislative matter, without setting forth the provisions of such codes in full, provided that at

least one copy of each such code which is incorporated or adopted is kept in the office of the City Clerk for public use, examination and inspection. Any existing ordinance which has incorporated by reference the provisions of any such code is hereby expressly validated.

"Ordinance Codification. The Board of Commissioners is hereby empowered to revise, codify and compile from time to time all of the ordinances of the city, or may in lieu thereof, if deemed more practical, adopt a new set of ordinances, and to publish in book or pamphlet form, either bound or loose leaf, all of such ordinances of a general and permanent character, and to make such changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified code of such ordinances then in force shall be presented. Such revision shall be one ordinance embracing all ordinances of a general and permanent character as the same have been revised, compiled, codified or adopted anew, and shall be a repeal of all ordinances in conflict therewith, except that such repeal shall not affect any pre-existing rights or obligations incurred. Such ordinances when so revised, compiled, codified or adopted anew, and published in book or pamphlet form, either bound or loose leaf, by the authority of the Board of Commissioners, need not be printed or published loose leaf, admissible in evidence in all courts, and have the same force and effect as would the original ordinance."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby in any other form, and shall be in such book or pamphlet form, bound or repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1959.

S. B. 11 CHAPTER 4

AN ACT TO AUTHORIZE THE COUNTY OF WAYNE TO CONSTRUCT AND EQUIP A NEW COUNTY BUILDING IN GOLDSBORO, INCLUDING PARKING FACILITIES AND THE ACQUISITION OF ANY NECESSARY LAND, AND TO ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. The County of Wayne, through its Board of Commissioners, is hereby authorized and empowered to construct and equip a new county building in the City of Goldsboro to provide offices and facilities for the various departments, agencies and bureaus of the County, including adequate facilities for parking and the acquisition of any necessary land, and to issue bonds of the County to provide funds to pay all or any part of the cost thereof. Said bonds shall be issued in accordance with the provisions of The County Finance Act, as amended, and the Local Government Act, as amended.

Sec. 2. The powers granted by this Act are in addition to and not in substitution for any other powers heretofore or hereafter granted to said County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1959.

H. B. 30 CHAPTER 5

AN ACT TO AMEND G. S. 9-25 SO AS TO PROVIDE FOR THE SELECTION OF GRAND JURIES IN GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-25, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is amended by adding at the end thereof the following:

"At the first term of court for the trial of criminal cases in Greene County after the first day of August, 1959, there shall be chosen a grand jury as now provided by law, and the first nine members of said grand jury chosen at said term shall serve for a term of one year, and the second nine members of said grand jury so chosen shall serve for a term of six months, and thereafter at the first regular and not special term of criminal court after the first days of February and August of each year there shall be chosen nine members of said grand jury to serve for terms of one year."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1959.

H. B. 49 CHAPTER 6

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CHOWAN COUNTY TO APPOINT THE SHERIFF AS THE DELINQUENT TAX COLLECTOR FOR CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Chowan County is hereby authorized to appoint the sheriff as the delinquent tax collector for Chowan County.

Sec. 2. All uncollected taxes allowed as credit in the settlement of taxes shall be recharged to the sheriff in his capacity as delinquent tax collector.

Sec. 3. The bond to be furnished by the sheriff in his capacity as delinquent tax collector shall be in such amount and furnished in the manner as shall be determined by the Board of County Commissioners of Chowan County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1959.

H. B. 53 CHAPTER 7

AN ACT TO CHANGE FROM TWO YEARS TO FOUR YEARS THE TERMS OF OFFICE OF THE JUDGE AND PROSECUTING ATTORNEY OF THE RECORDERS COURT OF MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The term of office of the Judge of the Recorder's Court of Martin County elected at the regular election in 1960 shall be four years. In 1964, and quadrennially thereafter, the Judge of the Martin County Recorder's Court shall be elected for a term of four years.

The term of office of the Prosecuting Attorney of the Recorder's Court of Martin County appointed for the term beginning in December, 1960, shall be four years. In 1964, and quadrennially thereafter, the prosecuting attorney shall be appointed for a term of four years.

In all cases, each officer shall serve until his successor is duly elected and qualified.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1959.

H. B. 87 CHAPTER 8

AN ACT AUTHORIZING THE TRANSFER OF SURPLUS SCHOOL BOND FUNDS OF KINSTON GRADED SCHOOL DISTRICT TO THE CURRENT EXPENSE FUND OF THE KINSTON CITY ADMINISTRATIVE UNIT.

WHEREAS, the Kinston Graded School District created by Chapter 96, Public Laws of 1899, issued certain school district bonds on April 21, 1923, November 1, 1923 and September 1, 1923; and

WHEREAS, said bonds have been fully paid and retired and there remains a balance in the special fund provided for the payment of such bonds; and

WHEREAS, said special charter school district was abolished by Section 4 of Chapter 562, Public Laws of 1933, and the Kinston City Administrative School Unit created in its place; and

WHEREAS, it will be to the best interests of the Kinston City Administrative School Unit and the taxpayers of said unit and of Lenoir County as a whole to allow the transfer of said surplus funds to the Current Expense Fund of the Kinston City Administrative School Unit: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Lenoir County and the County Auditor are hereby authorized and directed to transfer all the balance in the special fund provided for the payment of the bonds referred to in the Preamble to this Act, to the Current Expense Fund of the Kinston City Administrative School Unit.

Sec. 2. This Act shall apply to Lenoir County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1959.

H. B. 93 CHAPTER 9

AN ACT TO PERMIT RESIDENTS OF THE CARRBORO SCHOOL ATTENDANCE AREA TO BE CANDIDATES AND VOTERS IN THE 1959 ELECTION FOR MEMBERS OF THE CHAPEL HILL CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 254 of the Session Laws of 1955 is hereby amended by deleting Section 3 thereof and substituting therefor the following:

"Sec. 3. The members of the Chapel Hill City Board of Education shall be elected biennially at the same time the municipal officers are chosen for the Town of Chapel Hill, such elections to be conducted under the supervision of the County Board of Elections of Orange County. Those eligible to vote in elections for members of the Chapel Hill City Board of Education shall be: All persons eligible and registered to vote for members of the governing body of the Town of Chapel Hill or the governing body of the Town of Carrboro; and all eligible voters residing within the area of the Chapel Hill Administrative School Unit, but not within the town limits of Chapel Hill or Carrboro, who register for such elections. The County Board of Elections is authorized to call for a registration for such elections. For purposes of determining eligibility to vote in the election to be held in 1959, residents within the Carrboro School Attendance Area, which will become a part of the Chapel Hill Administrative School Unit on July 1, 1959, shall be deemed to be residents within the Unit. The Orange County Board of Elections is authorized: To divide the Chapel Hill Administrative School Unit into election precincts as may be necessary or desirable; to provide a separate ballot for the election of members of the Chapel Hill City Board of Education; to designate the registrars and judges of election of the Towns of Chapel Hill and Carrboro as registrars and judges of election in elections for members of the Chapel Hill City Board of Education; and to perform all other functions essential to the calling and supervising of elections for members of the Chapel Hill City Board of Education."

Sec. 2. Chapter 254 of the Session Laws of 1955 is hereby amended by changing the period at the end of Section 4 thereof to a colon and adding the following:

"Provided, that in determining eligibility to become a candidate in the 1959 election, residents within the Carrboro School Attendance Area, which will become a part of the Chapel Hill Administrative School Unit on July 1, 1959, shall be deemed to be residents within the Unit."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1959.

S. B. 6 CHAPTER 10

AN ACT TO AUTHORIZE THE EXPENDITURE OF CERTAIN SURPLUS FUNDS OF WAYNE COUNTY FOR THE PURPOSE OF BUILDING A NEW OFFICE BUILDING, PURCHASING A NEW OFFICE BUILDING, PURCHASING THE LAND FOR NEW OFFICE BUILDINGS AND EQUIPPING NEW OFFICE BUILDINGS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Wayne County is hereby authorized to expend such portion of any surplus remaining in the General Fund, the Poor Fund, the Debt Service Fund, and the School Budget Tax Surplus Fund of the said county, at the end of the fiscal year ending June 30, 1959, as it shall deem necessary for the purpose of building a new office building, purchasing a new office building, purchasing the land for new office buildings and equipping new office buildings.

Sec. 2. This Act shall not be construed to permit the expenditure for the purposes named herein of any portion of the surplus of any of the funds named which is necessary for the proper current operation of said funds.

Sec. 3. If any provision of this Act or the application thereof to any of the funds named herein or to any of the buildings named herein is held invalid, such invalidity shall not affect other provisions or applications of this Act to the remaining funds or buildings which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1959.

H. B. 5

CHAPTER 11

AN ACT TO PROVIDE FOR A THIRD DEPUTY SHERIFF IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Person County shall employ a third regular full-time deputy sheriff who shall receive as his only compensation a salary to be fixed in the discretion of the Board of County Commissioners, but not to exceed three thousand six hundred dollars ($3,600.00) per annum.

Sec. 2. All payments of salary heretofore made within the limit established by this Act to such additional deputy are hereby validated.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1959.

H. B. 14

CHAPTER 12

AN ACT ADOPTING REPLACEMENT VOLUMES 2C AND 3B OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. The Chapters, Subchapters, Articles and Sections now comprising Volume 2C of the General Statutes of North Carolina, and Cumulative Supplement thereto, consisting of Sections 83-1 through 105-462, now in force, as amended, are hereby re-enacted and designated Replacement Volume 2C of the General Statutes of North Carolina, a copy of which is attached hereto.

Sec. 2. The Chapters, Subchapters, Articles and Sections now comprising Volume 3B of the General Statutes of North Carolina, and Cumulative Supplement thereto, consisting of Sections 117-1 through 150-34, now in force, as amended, are hereby re-enacted and designated Replacement Volume 3B of the General Statutes of North Carolina, a copy of which is attached hereto.

Sec. 3. This enactment of Replacement Volumes 2C and 3B shall not be construed to invalidate or repeal any Acts which have been passed during the 1959 Session of the General Assembly, prior to the ratification of this Act, nor shall this enactment include any appended annotations, editorial notes, comments and cross references, legislative or historical references, or other material connected or supplemental to the said Chapters, Subchapters, Articles and Sections, but not contained in the body hereof.

(PRINTED VOLUMES DESIGNATED HEREIN AND ATTACHED HERETO ARE DEPOSITED IN THE OFFICE OF THE SECRETARY OF STATE AND MADE UNNECESSARY TO ENROLL IN THIS CHAPTER.)

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1959.

H. B. 15 CHAPTER 13

AN ACT RELATING TO PUNISHMENT FOR PUBLIC DRUNKENNESS IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 1 of G. S. 14-335, as it appears in the 1957 Supplement to the General Statutes, is amended by inserting after the comma following the word "Perquimans" and before the word "Pitt" in line six of the subsection, the word "Person".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1959.

H. B. 39 CHAPTER 14

AN ACT TO DESIGNATE THE CANDIDATE OF A MAJORITY POLITICAL PARTY WHO RECEIVES THE LARGEST NUMBER OF VOTES IN THE GENERAL ELECTION AS CHAIRMAN OF THE BOARD OF COMMISSIONERS OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The candidate of the majority political party who receives the largest number of votes cast in the General Election for the Board of County Commissioners shall serve as Chairman of the Board of County Commissioners for Graham County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1959.

H. B. 41 CHAPTER 15

AN ACT TO AMEND CHAPTER 245, SESSION LAWS OF 1957, RELATING TO THE OFFICE OF COUNTY ACCOUNTANT AND TAX COLLECTOR OF GRAHAM COUNTY, SO AS TO EXTEND THE TERM OF OFFICE OF SAID OFFICIAL.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 245, Session Laws of 1957, is hereby amended by striking out the word "biennially" immediately following the word "and" and immediately preceding the word "thereafter" in line two of said Section, and substituting in lieu thereof the word "quadrennially".

Sec. 2. Section 2 of Chapter 245, Session Laws of 1957, is hereby amended by striking out the words "two years" immediately following the word "of" and immediately preceding the word "and" in line three and by striking out the words "two years" immediately following the word "of" in line four of said Section, and substituting in lieu thereof the words "four years".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1959.

H. B. 47 CHAPTER 16

AN ACT TO AMEND G. S. 105-392, AS THE SAME APPEARS IN THE 1957 CUMULATIVE SUPPLEMENT OF THE GENERAL STATUTES, INSOFAR AS THE SAME APPLIES TO CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-392, as the same appears in the 1957 Cumulative Supplement of the General Statutes is hereby amended by striking out the word "two" immediately following the word "than" and immediately preceding the word "years" in the first sentence of subsection (a) of said statute, and substituting in lieu thereof the word "ten".

Sec. 2. This Act shall apply only to Chowan County and any political subdivision thereof or any incorporated town located therein.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1959.

H. B. 50 CHAPTER 17

AN ACT RELATIVE TO THE ELECTION AND TENURE OF OFFICE OF THE MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF ROCKWELL, AND PROVIDING FOR THE BOARD OF ALDERMEN TO ELECT ONE OF ITS MEMBERS MAYOR AND ONE MAYOR PRO TEM.

The General Assembly of North Carolina do enact:

Section 1. At the general municipal election held in the Town of Rockwell in the year 1959 and every two years thereafter there shall be elected in the Town of Rockwell by the qualified voters thereof six aldermen who shall serve for a term of two years, beginning on July 1 after their election and until their successors are elected and qualified. The members of the board of aldermen shall be sworn into office at the meeting on the day that their terms begin.

Sec. 2. Beginning with the term of office commencing July 1 in the year 1959, the board of aldermen shall at its first meeting elect a mayor and mayor pro tem from its members who shall hold their offices as mayor and mayor pro tem at the pleasure of the board.

Sec. 3. The general municipal election for the Town of Rockwell shall be held on Tuesday after the first Monday in May in the year 1959, and the primary election for nomination of the members of the board of aldermen in the Town of Rockwell shall be held in said Town of Rockwell on the Tuesday preceding all general municipal elections. The judges and other officers of the general municipal election, appointed by the mayor and board of aldermen shall, whenever practicable, be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours as are required for the general election.

Sec. 4. Any person desiring to become a candidate for nomination by the primary for a member of the board of aldermen, shall file not later than five o'clock p. m., on Tuesday before the day of primary, filing with the town clerk, a statement of such candidacy in substantially the following form:

STATE OF NORTH CAROLINA,
COUNTY OF ROWAN.

I, ..., hereby give notice that I reside in the Town of Rockwell, State of North Carolina, being a registered voter thereof; that I am a candidate for nomination to the office of ....., to be voted upon at the primary election to be held on the .....day of ....., 1959, and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

Signed:.....

WITNESS:

.....

and he shall at the same time pay to the clerk to be turned over to the town treasurer the sum of two dollars ($2.00) if he is a candidate for the board of aldermen. By noon of the following Wednesday after the time of the expiration for filing the petition of candidates, the town clerk shall cause to be posted in three public places in the Town of Rockwell the names of the persons filing for the offices of board of aldermen.

Sec. 5. The twelve candidates receiving the highest number of votes for members of the board of aldermen shall be the nominees and the only candidates whose names shall be placed upon the ballot for members of the board of aldermen at the next succeeding general municipal election: Provided, however, that if there are only twelve candidates or less for the members of the board of aldermen who have filed their notice of candidacy in the primary, then said candidates are automatically nominated for members of the board of aldermen without the necessity of a primary election and their names will appear on the general municipal election ballot as the sole nominees.

Sec. 6. The registration books for the primary to be held on Tuesday preceding the general municipal election shall be opened on the fourth Saturday preceding the primary, and shall be closed at the end of the time for registration on the second Saturday before the primary. The Saturday before the primary shall be challenge day for the primary.

Sec. 7. During the period the registration book is open for the primary election all qualified voters whose names are not already on the registration books may apply to the registrar for registration between the hours of nine o'clock a. m. and five o'clock p. m., and on each Saturday during the period the registration book is open the registrar shall attend the polling places with the registration book between the hours of nine o'clock a. m. and six o'clock p. m.

On challenge day the election officials will meet at the polling places and hear all challenges, if any, between the hours of nine o'clock a. m. and three o'clock p. m.

Sec. 8. The old town registration books that are now being used shall be considered the registration books for all municipal elections.

Sec. 9. All primary municipal elections and general municipal elections shall be conducted, as far as practicable in all things and in all details, in accordance with the general laws of this State governing State and County primary elections, except where the provisions of same are inconsistent with this Act.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1959.

H. B. 88 CHAPTER 18

AN ACT TO AMEND CHAPTER 513, SESSION LAWS OF 1949, RELATING TO PRIMARY ELECTIONS IN THE TOWN OF EAST SPENCER.

The General Assembly of North Carolina do enact:

Section 1. Section 14 of Chapter 513, Session Laws of 1949, is amended by striking out in lines six and seven the words "twelve o'clock p. m. on the first Wednesday" and inserting in lieu thereof the words "five o'clock p. m. on the first Monday".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1959.

S. B. 16 **CHAPTER 19**

AN ACT AMENDING G. S. 20-38(bb) SO AS TO INCLUDE IN THE DEFINITION OF SPECIAL MOBILE EQUIPMENT TRUCKS OR VEHICLES USED FOR FIRE FIGHTING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 20-38(bb), as the same appears in the 1957 Cumulative Supplement to Volume 1C of the General Statutes, be and the same is hereby amended by striking out the period at the end of the last sentence thereof, substituting a comma therefor, and adding the following: "trucks or vehicles privately owned on which fire fighting equipment has been mounted and which are used only for fire fighting purposes".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1959.

S. B. 35 **CHAPTER 20**

AN ACT AMENDING CHAPTER 16, PRIVATE LAWS EXTRA SESSION OF 1921 RELATING TO THE CHARTER OF THE TOWN OF WINTON SO AS TO PROVIDE THAT THE CHIEF OF POLICE AND OTHER POLICE OFFICERS BE APPOINTED BY THE BOARD OF COMMISSIONERS INSTEAD OF BEING ELECTED BY THE PEOPLE.

The General Assembly of North Carolina do enact:

Section 1. That Section 3 of Chapter 16, Private Laws, Extra Session of 1921, be and the same is hereby rewritten to read as follows:

"Sec. 3 That on the first Tuesday after the first Monday in May, 1959, and on the first Tuesday after the first Monday in May biennially thereafter, there shall be elected by the qualified voters of said town a board of commissioners and a mayor, and said officers so elected shall hold office for a period of two years, or until their successors are duly elected and qualified, except such as may be removed for cause."

Sec. 2. That Section 7 of Chapter 16, Private Laws, Extra Session of 1921, be and the same is hereby rewritten to read as follows:

"Sec. 7. That there shall be appointed by the board of commissioners of said town a chief of police and such other police officers as may be found necessary to provide adequate law enforcement for said town, such chief and other police officers to serve at the pleasure of the board of commissioners."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1959.

S. B. 46

CHAPTER 21

AN ACT TO AMEND G. S. 15-217, RELATING TO POST-CONVICTION PROCEEDINGS, SO AS TO PROVIDE THAT SUCH PROCEEDING SHALL BE COMMENCED IN THE COUNTY IN WHICH THE CONVICTION TOOK PLACE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-217 is hereby amended by striking out the words "Wake County, or in any" in lines 9 and 10 and inserting in lieu thereof the word "the".

Sec. 2. This Act shall not apply to any proceeding commenced before the ratification of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of February, 1959.

S. B. 7

CHAPTER 22

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF WAYNE COUNTY TO TURN INTO THE GENERAL FUND ALL TAXES COLLECTED FOR THE YEAR 1955 AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Wayne County be and it is hereby authorized and empowered in its discretion to turn into the general fund of the county the proceeds of all uncollected taxes, which may hereafter be collected for the year 1955 and all prior years.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1959.

S. B. 17

CHAPTER 23

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF COLUMBUS COUNTY TO EXTEND THE TIME FOR QUADRENNIAL ASSESSMENT OF PROPERTY FOR TAXATION.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 105-278, as the same appears in the 1957 Cumulative Supplement to Volume 2C of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Provided that the Board of Commissioners of Columbus County in its discretion is hereby authorized to defer or postpone revaluation and reassessment of real property for the years 1959 and 1960. Whenever revaluation is had, the same may be by horizontal increase or reduction or by actual appraisal thereof, or both."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1959.

H. B. 22 CHAPTER 24

AN ACT TO ABOLISH THE STATE PLANNING BOARD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-171 through 143-177.1, creating the State Planning Board, are hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1959.

H. B. 27 CHAPTER 25

AN ACT TO ABOLISH THE CAROLINA-VIRGINIA TURNPIKE AUTHORITY AND THE NORTH CAROLINA TURNPIKE AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. Session Laws of 1953, Chapter 1159, codified as G. S. 136-89.1 through 136-89.11h, creating the Carolina-Virginia Turnpike Authority, is hereby repealed.

Sec. 2. G. S. 136-89.12 through 136-89.30, as amended by Session Laws of 1953, Chapter 1116, creating the North Carolina Turnpike Authority, is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1959.

H. B. 29 **CHAPTER 26**

AN ACT TO AMEND SUBSECTION 9 OF SECTION 153-9 OF THE GENERAL STATUTES AS TO THE AUTHORITY OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CALDWELL TO DESIGNATE SITES FOR COUNTY BUILDINGS, AND TO VALIDATE ANY AND ALL ACTION HERETOFORE TAKEN BY SAID BOARD OF COMMISSIONERS WITHIN THE AUTHORITY GRANTED BY THIS AMENDMENT.

The General Assembly of North Carolina do enact:

Section 1. Subsection 9 of Section 153-9 of the General Statutes is amended by adding a new paragraph at the end thereof to read as follows:

"Special approval of the General Assembly is hereby given to the Board of Commissioners for the County of Caldwell to designate such new sites for county buildings in said county as shall not be more than two miles distant from the old sites of such buildings."

Sec. 2. Any and all action heretofore taken by the Board of Commissioners for the County of Caldwell in the designation of a new site or sites for county buildings in said county not more than two miles distant from the old site or sites for such county buildings is hereby validated, ratified, confirmed and approved.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1959.

H. B. 31 **CHAPTER 27**

AN ACT TO AUTHORIZE THE TOWN OF WILKESBORO IN WILKES COUNTY TO CLOSE MORAVIAN STREET AND USE THE STREET FOR PURPOSES OF CONSTRUCTING A WATER SUPPLY STANDPIPE.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Wilkesboro is hereby authorized to close the portion of the street in Wilkesboro known as Moravian Street which intersects with Ridge Street to the north. This street is described as follows: Beginning on Ridge Street at the northwest corner of Lot 29 and running with the West line of Lot 29 to the Wilkesboro-Taylorsville Road; thence with the northwest bank of the Taylorsville Road to the southeast corner of Lot No. 9 on the bank of the Taylorsville Road, thence with the back line of Lots 8, 9 and 10, 75 feet to the southeast corner of Lot 28; then continuing North 6 degrees 13 minutes 125 feet with the East line of Lot 28 to the northeast corner of Lot 28 in Ridge Street; thence with the South margin of Ridge Street to the point of beginning.

The governing body of the Town of Wilkesboro is authorized to use such closed street, which has never been open to the public, for the purpose of constructing a water supply standpipe or for such other proper municipal purposes as it may deem wise.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1959.

H. B. 37 CHAPTER 28

AN ACT TO AMEND CHAPTER 402 OF THE SESSION LAWS OF 1953, AS AMENDED, RELATING TO THE PEACE OFFICERS' RELIEF FUND FOR MARTIN, WASHINGTON AND TYRRELL COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 402 of the Session Laws of 1953, as amended, is hereby further amended by inserting a new Section therein immediately following Section 4, to be designated as Section 4½, and to read as follows:

"Sec. 4½. Notwithstanding any other provisions of this Act, the executive board shall have authority to make an assessment from time to time in an equal amount against each and every member of the Association when the funds of the Association are inadequate to carry on and continue the program of protection and benefits which the Association undertakes or has undertaken pursuant to this Act. Immediately upon making any such assessment, written notice thereof shall be given to each member by personal delivery thereof or by mailing the same to his last known address. If a member fails to pay any assessment within thirty (30) days from the date the same was made, a second notice shall be delivered or mailed to him. If a member shall fail to pay any assessment within six months after the date the assessment was made, regardless of whether or not he has received notice thereof, he shall thereupon cease to have any right to any benefits available pursuant to this Act, and no one shall be entitled to any benefits by reason of such delinquent member's membership, unless and until such member's dues and assessments which are in arrears have been paid, and, even in such case, only to the extent and subject to the conditions determined by the executive board."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1959.

H. B. 72 **CHAPTER 29**

AN ACT TO AMEND CHAPTER 411 OF THE SESSION LAWS OF 1957 BEING THE CHARTER OF THE TOWN OF ST. PAULS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 10 of Chapter 411 of the Session Laws of 1957 is hereby amended by rewriting the Section to read as follows:

"Sec. 10. When Ordinances and Resolutions Take Effect. Unless otherwise prescribed by law, all ordinances and resolutions passed by the board of commissioners shall take effect at the time and upon the conditions indicated therein."

Sec. 2. Section 32 of Chapter 411 of the Session Laws of 1957 is hereby amended by rewriting the Section to read as follows:

"Sec. 32. Duties of Town Attorney. The Attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least four years. He shall be the chief legal officer of the town and shall perform the duties imposed upon the chief legal officers of municipalities by law and such other duties imposed upon the Town Attorney by this charter or required of him by ordinance or resolution of the board of commissioners."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1959.

H. B. 102 **CHAPTER 30**

AN ACT TO PROVIDE THE FORM OF FINANCIAL STATEMENTS OF THE CITY OF CHARLOTTE REQUIRED UNDER THE PROVISIONS OF G. S. 160-383.

The General Assembly of North Carolina do enact:

Section 1. That Section One of Chapter 321, Public Laws of 1933, be and the same is hereby amended by striking out the period at the end thereof, inserting a comma, and adding the following: "except the City of Charlotte located in said County of Mecklenburg."

Sec. 2. This Act shall be applicable to the City of Charlotte only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1959.

H. B. 40 CHAPTER 31

AN ACT TO AMEND CHAPTER 766, SESSION LAWS OF 1957, RELATING TO THE COMPENSATION AND DUTIES OF THE CHAIRMAN OF THE BOARD OF COMMISSIONERS OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 766, Session Laws of 1957, is hereby amended by striking out the words "each Monday of every week" at the end of line three of said Section, and substituting in lieu thereof the words "one day each week".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1959.

H. B. 42 CHAPTER 32

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GRAHAM COUNTY TO APPOINT AND FIX THE SALARY OF A COUNTY ATTORNEY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Graham County is hereby authorized to appoint a county attorney for Graham County to perform such legal duties as may be required by said county.

Sec. 2. The county attorney appointed by the board of commissioners shall receive a salary of one hundred dollars ($100.00) per month for the performance of such legal duties, and said salary shall be paid by the board of commissioners out of the general fund of Graham County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1959.

H. B. 43 CHAPTER 33

AN ACT TO AUTHORIZE THE SHERIFF OF GRAHAM COUNTY TO APPOINT A DEPUTY, AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GRAHAM COUNTY TO SET THE SALARY AND TO ALLOW EXPENSES AND FEES FOR THE DEPUTY APPOINTED BY THE SHERIFF.

The General Assembly of North Carolina do enact:

Section 1. The High Sheriff of Graham County is hereby authorized, in his discretion, to employ a deputy sheriff for Graham County.

Sec. 2. The said deputy sheriff shall perform such duties as may be assigned to him by the High Sheriff of Graham County, and the said

deputy sheriff, when appointed, shall be clothed with all the powers of a peace officer which are now or may hereinafter be prescribed by law for a deputy sheriff, and shall have authority to serve all civil or criminal processes as is now or may hereinafter be prescribed for service of such processes by sheriffs and their deputies.

Sec. 3. The salary of such deputy sheriff appointed under the provisions of this Act shall be fixed by the board of county commissioners in an amount of not less than two hundred dollars ($200.00) nor more than two hundred twenty-five dollars ($225.00), and said salary shall be paid by said board out of the general fund of Graham County.

Sec. 4. The Board of County Commissioners of Graham County is hereby authorized and empowered to allow such fees and expenses for the deputy sheriff appointed under the provisions of this Act in whatever sums and amounts the said board in its discretion may deem fit and proper, and said fees and expenses shall be paid by the board out of the general fund of Graham County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1959.

H. B. 44 CHAPTER 34

AN ACT TO AUTHORIZE THE SHERIFF OF GRAHAM COUNTY TO EMPLOY A JAILER FOR SAID COUNTY, AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO SET THE SALARY AND TO ALLOW FEES FOR THE JAILER APPOINTED BY THE SHERIFF.

The General Assembly of North Carolina do enact:

Section 1. The High Sheriff of Graham County is hereby authorized to employ a jailer for the county jail of Graham County.

Sec. 2. The said jailer shall perform such duties as may be assigned to him by the High Sheriff of Graham County.

Sec. 3. The salary of such jailer employed under the provisions of this Act shall be fixed by the Board of County Commissioners in an amount of not less than seventy-five dollars ($75.00) nor more than one hundred dollars ($100.00) per month, and said salary shall be paid by said board out of the general fund of Graham County.

Sec. 4. The Board of County Commissioners of Graham County is hereby authorized and empowered to allow such fees for the jailer employed under this Act in whatever sums and amounts the said board may deem fit and proper.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1959.

H. B. 63 CHAPTER 35

AN ACT TO AMEND G. S. 122-98 RELATING TO SPECIAL POLICE OFFICERS AT THE CAMP BUTNER HOSPITAL SITE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 122-98 is hereby amended by adding at the end thereof the following new sentence: "The powers herein vested in the aforementioned special police officers shall also extend to all property formerly a part of the Camp Butner hospital site which has been subsequently acquired from the North Carolina Hospitals Board of Control by purchase or lease."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1959.

H. B. 81 CHAPTER 36

AN ACT TO APPROPRIATE FROM THE CONTINGENCY AND EMERGENCY FUND THE SUM OF $305,510 TO THE STATE HOSPITAL AT GOLDSBORO TO COVER A DEFICIT IN OPERATING EXPENSES FOR THE FISCAL YEAR 1958-59.

WHEREAS, during the fiscal year 1958-59 the State Hospital at Goldsboro has incurred a deficit as a result of increased operational expenses and loss of receipts in the amount of three hundred five thousand five hundred ten dollars ($305,510); and

WHEREAS, appropriations made to the State Hospital at Goldsboro for the biennium 1957-59 are insufficient to cover this deficit: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the present Contingency and Emergency Fund to the State Hospital at Goldsboro the sum of three hundred five thousand five hundred ten dollars ($305,510).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1959.

H. B. 165

CHAPTER 37

AN ACT AMENDING SUBSECTION 5 OF G. S. 115-183 SO AS TO PERMIT THE MECKLENBURG COUNTY BOARD OF EDUCATION TO ALLOW THE USE OF SCHOOL BUSES FOR THE TRANSPORTATION OF PUPILS AND TEACHERS TO CHARLOTTE FOR THE SESSION OF THE GENERAL ASSEMBLY TO BE HELD ON MARCH 4, 1959.

The General Assembly of North Carolina do enact:

Section 1. That Subsection 5 of G. S. 115-183 be and the same is hereby amended by adding at the end thereof the following:

"Provided that Mecklenburg County Board of Education shall be permitted to authorize the use and operation of the school buses for the transportation of pupils and teachers to Charlotte to attend the Session of the General Assembly of North Carolina to be held in that city on March 4, 1959."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification

In the General Assembly read three times and ratified, this the 3rd day of March, 1959.

H. B. 32

CHAPTER 38

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WILKES COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF DEFRAYING THE COST OF REVALUATION AND REASSESSMENT OF REAL PROPERTY IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Wilkes County is authorized to levy, beginning with the fiscal year 1959-60 and extending through the fiscal year 1960-1961, a special tax not in excess of ten cents (10¢) on each one hundred dollar ($100.00) valuation of taxable property in said county. The proceeds derived from said tax shall be placed in a special fund and accumulate for the purpose of defraying the cost and expense of said revaluation and reassessment of real property, and the board is authorized and empowered, at any time, to appropriate said funds and expend the same for the purpose of effectuating the purposes of this Act.

Sec. 2. The special tax levy authorized by this Act shall be in addition to any other taxes authorized by any other special or general Act, and in addition to the constitutional limit of taxes levied for general county purposes.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

H. B. 48 CHAPTER 39

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO FIX THE SALARIES AND FEES OF ALL OFFICIALS OF CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Chowan County is hereby authorized to fix and establish the salaries and fees of all officials of Chowan County, whether elected or appointed; however, no salary or fee shall be reduced during the term for which such official is elected or appointed.

Sec. 2. The compensation provided for in Section 1 shall be paid, when designated as salary, from such county fund as shall be determined by the Board of County Commissioners.

Sec. 2½. This Act shall not apply to officials and employees of Chowan County whose salary or compensation is governed by the provisions of the State Merit System Act, Chapter 126 of the General Statutes of North Carolina.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

S. B. 36 CHAPTER 40

AN ACT TO AMEND CHAPTER 157 OF THE GENERAL STATUTES OF NORTH CAROLINA, REFERRED TO AS "THE HOUSING AUTHORITIES LAW", BY PROVIDING THAT SAID CHAPTER 157 OF THE GENERAL STATUTES, KNOWN AS "THE HOUSING AUTHORITIES LAW", SHALL APPLY TO ALL CITIES AND TOWNS IN CHEROKEE, CLAY, GRAHAM, MACON AND SWAIN COUNTIES HAVING A POPULATION OF FIVE HUNDRED OR MORE INHABITANTS.

The General Assembly of North Carolina do enact:

Section 1. Amend Sec. 157-60 of the General Statutes of North Carolina by adding at the end of said Section a proviso, which said proviso shall read as follows:

"Provided, that all the provisions of this Chapter, as amended, and the various Articles thereof, as amended, shall be in force and effect and applicable to any city or town in Cherokee, Clay, Graham, Macon and

Swain Counties having a population of more than five hundred (500) inhabitants (according to the last Federal Census or any revision or amendment thereto) which is, or is about to be, included in the territorial boundaries of an authority when created hereunder."

Sec. 2. The provisions of this Act shall apply only to Cherokee, Clay, Graham, Macon and Swain Counties and the cities and towns located in said counties.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

S. B. 92

CHAPTER 41

AN ACT TO AMEND CHAPTER 538, PUBLIC-LOCAL LAWS OF 1911, TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY TO FIX THE COMPENSATION TO BE PAID TO THE MEMBERS OF THE MECKLENBURG DRAINAGE COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. That Section 21 of Chapter 538, Public-Local Laws of 1911, be and the same is hereby rewritten to read as follows:

"Sec. 21. That each member of said Commission shall hereafter receive for his services such compensation as may be fixed by the Board of County Commissioners, and that by reason of extra services rendered during the calendar year 1958, the Board of County Commissioners of Mecklenburg County shall have and is hereby given the power and authority to pay to the members of the Drainage Commission such additional compensation for said year as the Board of County Commissioners shall deem fair and proper. The members of the Drainage Commission shall take the usual oath of office before entering upon the discharge of their duties and shall meet regularly on the first Monday in each month."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

H. B. 17 **CHAPTER 42**

AN ACT AUTHORIZING THE PRESIDENT OF WESTERN CAROLINA COLLEGE TO APPOINT LAW ENFORCEMENT OFFICERS FOR DUTY ON THE CAMPUS OF SAID INSTITUTION.

The General Assembly of North Carolina do enact:

Section 1. That the President of Western Carolina College be and he is hereby authorized and empowered in his discretion to appoint one or more persons who are employees of the college to act as law enforcement officers on the campus of said institution and at no other place. After taking the oath prescribed by law for peace officers, the persons so appointed shall have the same powers and authorities on the campus of Western Carolina College as other peace officers have. In addition to the powers of arrest, with or without warrant, as provided by law, said law enforcement officers shall have the authority to transport any persons arrested by them to the jail of Jackson County in Sylva and to take persons so arrested before a proper judicial officer in order that bail may be fixed.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

H. B. 94 **CHAPTER 43**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A CLERK OF THE MAYOR'S COURT OF THE TOWN OF FARMVILLE IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Commissioners of the Town of Farmville in Pitt County are authorized to appoint a Clerk of the Mayor's Court of said town. The clerk so appointed shall serve at the pleasure of the commissioners of said town and shall be a legal resident thereof.

The governing board shall fix the compensation to be paid the clerk, and the same shall be paid out of the general fund of said town.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

H. B. 95 **CHAPTER 44**

AN ACT TO VALIDATE THE APPLICATION OF THE CITY OF REIDSVILLE FOR A CERTAIN GASOLINE TAX REFUND WHICH APPLICATION WAS INADVERTENTLY FILED TOO LATE.

WHEREAS, the City of Reidsville was entitled to a gasoline tax refund of eight hundred fifty-two dollars ($852.00) for the quarter ending March 31, 1958; and

WHEREAS, the applicable statute required such application to be filed before April 30, 1958; and

WHEREAS, said application for refund was duly prepared before April 30, 1958; and

WHEREAS, through inadvertence or happenstance the application for refund was placed in the city files instead of being mailed to the State Department of Revenue; and

WHEREAS, such application was not filed with the Department of Revenue until June 27, 1958 and the application for refund was then denied because of the late filing: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The above referred to application by the City of Reidsville for gasoline tax refund for the quarter ending May 31, 1958 is hereby validated in all respects and the Commissioner of Revenue is hereby authorized and directed to pay to the City of Reidsville the gasoline tax refund covered in said application notwithstanding the late filing thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

H. B. 96 **CHAPTER 45**

AN ACT TO AMEND THE CHARTER OF THE CITY OF LEXINGTON BY STRIKING OUT THE WORDS "BOARD OF COMMISSIONERS" OR "COMMISSIONERS" WHEREVER THEY ARE FOUND AND SUBSTITUTING THE WORDS "CITY COUNCIL" AND "COUNCILMEN" RESPECTIVELY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 5 of the Public-Local Laws of 1941, and all Acts amendatory thereto, is hereby amended by striking out the words "Board of Commissioners" from each place in the Chapter where the same appear and by inserting in lieu thereof in each such place the words "City Council".

Sec. 2. Chapter 5 of the Public-Local Laws of 1941, and all Acts amendatory thereto, is hereby amended by striking out the word "Commissioners" from each place in the Chapter where the same appears and by inserting in lieu thereof in each such place the word "Councilmen".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

H. B. 97 CHAPTER 46

AN ACT TO AMEND SECTION 7 OF CHAPTER 22 OF THE PRIVATE LAWS OF 1935 RELATING TO JURISDICTION OF THE LEXINGTON UTILITIES COMMISSION OVER CITY OWNED PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. Section 7 of Chapter 22 of the Private Laws of 1935 is hereby amended by striking out the words "municipal buildings and all other property" in line 9.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

H. B. 101 CHAPTER 47

AN ACT TO AMEND G. S. 20-24 RELATING TO THE NOTATION OF CONVICTIONS ENTERED ON DRIVER'S LICENSE.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of G. S. 20-24, as it appears in the 1953 Recompilation of Volume 1C of the General Statutes, is hereby amended by deleting the first sentence in the subsection.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

H. B. 113 CHAPTER 48

AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS AS CONTAINED IN CHAPTER 367, PRIVATE LAWS OF 1905, RELATIVE TO THE DUTIES OF THE TOWN CONSTABLE, THE CLERK AND TREASURER, AND THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That Section 9 of Chapter 367, Private Laws of 1905, relative to the Charter of the Town of Cornelius, be and the same is hereby amended

by striking out the first sentence of said Section and inserting in lieu thereof the following sentences:

"That the town constable shall collect and pay over to the treasurer all taxes imposed by the town commissioners, except when this authority is exercised by the town clerk and treasurer. The constable shall collect and pay over to the treasurer all fines and costs, when execution is issued to him for that purpose, and return the same in due time to the treasurer."

Sec. 2. That Section 10 of Chapter 367, Private Laws of 1905, be and the same is hereby amended by adding a new sentence to be inserted between the first and second sentences thereof, and reading as follows:

"When the board of commissioners shall so direct, the clerk and treasurer, in lieu of the town constable, shall collect all taxes imposed by the board of commissioners."

Sec. 3. That Section 16 of Chapter 367, Private Laws of 1905, be and the same is hereby amended by adding at the end thereof a sentence to read as follows:

"For their services, each member of the board of commissioners of said town shall receive the sum of four dollars ($4.00) for each regular or called meeting attended by him during his tenure in office; provided, however, that no pay shall be received by any member for more than two meetings in any calendar month."

Sec. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

H. B. 192 CHAPTER 49

AN ACT AMENDING SECTION FIFTY-SIX OF CHAPTER THREE HUNDRED SIXTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-NINE ENTITLED, "AN ACT TO CONTINUE THE INCORPORATION OF THE CITY OF CHARLOTTE AND TO CODIFY, AMEND AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF CHARLOTTE", SO AS TO PROVIDE FOR THE PUBLICATION OF A HISTORY OF CHARLOTTE AND MECKLENBURG COUNTY BY THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 56 of Chapter 366 of the Public-Local Laws of 1939 be, and the same is hereby amended by adding a new sentence to subsection 6 at the end of said Section 56 and reading as follows: "Said Board shall have, in addition to said powers, the power and authority to publish and distribute a history of Charlotte and Mecklenburg County, any profit derived therefrom to be held and used for Library purposes."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

S. B. 27 CHAPTER 50

AN ACT TO AMEND G. S. 148-12 RELATING TO THE CLASSIFICATION OF PRISONERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 148-12, as the same appears in the 1957 Cumulative Supplement of the General Statutes, is amended by adding the following sentence at the end thereof:

"Any prisoner confined in the State Prison System while under a sentence to imprisonment imposed upon conviction of a felony shall be classified and treated as a convicted felon even if, before beginning service of the felony sentence, such prisoner has time remaining to be served in the State Prison System on a sentence or sentences imposed upon conviction of a misdemeanor or misdemeanors."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1959.

S. B. 48 CHAPTER 51

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY TO CONSTRUCT WATER AND SEWER LINES FROM THE CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM TO UNINCORPORATED COMMUNITIES OR LOCATIONS IN RURAL FORSYTH COUNTY AND FOR OTHER PURPOSES.

WHEREAS, there are unincorporated areas in rural Forsyth County in which many people reside, living in an urbanized condition, whose homes are in close proximity to each other and where large groups of employees live in and around factories and mills in which areas public water and sewer facilities are not now available; and

WHEREAS, Forsyth County is the owner of the Forsyth County Farm, of which approximately five hundred (500) acres or more the Board of Commissioners of Forsyth County is of the opinion is not needed for any necessary governmental purpose and should be developed and transformed into an industrial park and to which property public water and sewage facilities should be made available in the near future by construction and operation of a water line and sewage facilities from the water and sewage systems of the City of Winston-Salem to said property; and

WHEREAS, in developing the Forsyth County Farm property as an industrial park and making available said properties for acquisition by sale or lease to industrial, commercial and business enterprises, and providing for the users of the properties and other properties which may be acquired for this purpose with an adequate supply of public water and sewage facilities will aid, assist and encourage the location of manufacturing, industrial and commercial plants or business establishments in Forsyth County, increase the taxable value of property of the county, promote and better safeguard the public health of the people in the rural communities of the county through which the water line or lines and sewage facilities will be constructed, and to whom public water and sewage facilities may be made available and in all promote the general welfare of Forsyth County: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners for the County of Forsyth is hereby authorized and empowered, by the adoption of an appropriate resolution or resolutions, to exercise any or all of the powers set forth in this Act, and to appropriate, make available, and to expend from any surplus funds or any funds not derived from tax sources such amounts which in the discretion of said board of commissioners should be used for any or all of the following purposes:

(a) To acquire, construct, reconstruct, extend, improve, lease and dispose of a water line or lines from the corporate limits of the City of Winston-Salem to and on the County Farm owned by Forsyth County and to any other community or location in Forsyth County outside of any municipality as referred to and set forth in the Preamble of this Act.

(b) To acquire, construct, reconstruct, extend, improve, lease and dispose of a sewer line or lines from the corporate limits of the City of Winston-Salem to and on the County Farm owned by Forsyth County and to any other community or location in Forsyth County outside of any municipality as referred to and set forth in the Preamble of this Act.

(c) To maintain and operate a water line or lines as referred to in subsection (a) of Section 1 of this Act, and to contract for a supply of water or to contract for the operation, maintenance and lease of any such system.

(d) To maintain and operate a sewer line or lines as referred to in subsection (b) of Section 1 of this Act, and to contract for the disposal of sewage or to contract for the operation, maintenance and lease of any such system.

(e) To construct, enlarge, maintain, improve and operate a sewage disposal plant and facilities on the Forsyth County Farm or on such other property which Forsyth County may acquire for this purpose.

(f) To lease and dispose of any sewage disposal plant and facilities or any part thereof and to contract for the operation of any such system.

(g) To develop and transform into an industrial park such portion of the Forsyth County Farm as the Board of Commissioners for the County of Forsyth may determine is not needed for any necessary governmental function of Forsyth County. In carrying out a plan for developing said

property as an industrial park, the property may be subdivided into tracts or lots, streets and roads, and water and sewer lines constructed, and railroad facilities by means of spur tracks made available. Such other improvements may be made to said property as the board of commissioners may deem advisable and necessary to make same attractive for use by industrial, commercial and business enterprises.

(h) To acquire and hold rights-of-way and other property necessary for the maintenance and operation of water lines and sewage facilities as referred to in this Act. Whenever the Board of Commissioners for the County of Forsyth is unable to acquire suitable and necessary property for rights-of-way for water or sewer lines or for lateral lines leading from the main lines of water and sewer facilities and for a sewage disposal plant and system by gift or purchase, condemnation proceedings to acquire same may be instituted by such board of commissioners under the provisions of Article 2, Chapter 40, of the General Statutes, and the determination of said board of commissioners of the land necessary for such purposes shall be conclusive.

(i) To employ engineers, industrial planners, consultants, and other experts, and to make such engineering studies and surveys as the said board of commissioners may deem advisable and necessary to carry out any or all of the powers set forth in this Act.

(j) To expend such sums as said board of commissioners may deem advisable in advertising for sale or lease of such portion of the county-owned farm as the said board of commissioners may deem not necessary for governmental functions of Forsyth County in order to bring about the best economic use and industrialization of said property.

Sec. 2. The Board of Commissioners for the County of Forsyth may create a commission to be known by such name or designation as it may deem appropriate, whose duties and responsibilities shall be to advise the board of commissioners in the creation of an industrial park and in the sale, lease or disposition of the properties. The commission shall assist the board of commissioners in every manner in which the commission deems advisable and proper to bring about the best economic and industrial use of said property.

The commission shall consist of five (5) members elected by the board of county commissioners. The board of commissioners shall elect one of its members to serve as an ex officio member of the commission. The terms of the four (4) other members first elected shall expire as follows as designated by the board of county commissioners: The terms of two (2) members on the second December 31 following their election, and the terms of two (2) other members on the third December 31 following their election. Thereafter in December of each year members shall be elected or re-elected for full terms of three (3) years to succeed those whose terms expire in that month. The commission shall elect its own chairman. The members of the commission shall serve without compensation. The commission may with the approval of the board of commissioners appoint and prescribe the duties and responsibilities of an executive secretary. Such executive secre-

tary may be paid such compensation and expenses, including the expense of maintaining an office as may be approved by the board of county commissioners.

The commission may recommend to the board of commissioners the employment of realtors for the sale, lease, or disposition of any properties of the industrial park, and the board of commissioners shall have the authority to pay such commissions or make such contracts, arrangements and agreements with any realtor or realtors as it may deem advisable in the sale or lease of any of the properties of the industrial park. The commission shall encourage the cooperation of any appropriate agency of the State of North Carolina, the Chamber of Commerce, and other civic organizations in Forsyth County in aiding and assisting the board of commissioners in the development, use, sale, lease, and disposition of the properties of the industrial park.

Sec. 3. The Board of Commissioners for the County of Forsyth may in deeds of conveyances, leases and other instruments relating to the sale, lease, or disposition of properties of the industrial park, regulate the location of structures on any specific tract; the size, height and bulk of buildings and other structures; the percentage of any lot or tract that may be occupied by buildings and allied uses of land; the character of land uses; and minimum and maximum performance standards for industrial or commercial operations within the industrial park by the insertion in deeds, leases, or other instruments such appropriate restrictive covenants as may be agreed upon by Forsyth County and the purchaser or lessee of any of the properties.

Sec. 4. The powers conferred by this Act shall be regarded as independent, supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers or any provisions of law for the exercise of the authority contained in this Act.

Sec. 5. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 6. This Act shall apply to Forsyth County only.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1959.

H. B. 45 **CHAPTER 52**

AN ACT VALIDATING CERTAIN FORECLOSURE SALES UNDER MORTGAGES AND DEEDS OF TRUST WHEN THE PROVISIONS OF G. S. 45-21.17(c) (2) HAVE NOT BEEN COMPLIED WITH.

The General Assembly of North Carolina do enact:

Section 1. That Article 2C of Chapter 45 of the General Statutes be and the same is hereby amended by adding at the end thereof a new Section to be numbered G. S. 45-21.44, and reading as follows:

"G. S. 45-21.44. In all cases prior to March 1, 1959, where mortgages or deeds of trust on real estate with power of sale have been foreclosed pursuant to said power by proper advertisement except that the date of the last publication was from seven to twenty days preceding the date of sale, all such sales are fully validated, ratified, and confirmed and shall be as effective to pass title to the real estate described therein as fully and to the same extent as if the provisions of G. S. 45-21.17(c) (2) had been fully complied with."

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1959.

H. B. 79 **CHAPTER 53**

AN ACT AMENDING G. S. 160-29 AND G. S. 160-30 RELATING TO REGULATION OF MUNICIPAL ELECTIONS IN THE CITY OF NEWTON AND FIXING THE TIME FOR THE HOLDING THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 160-29, as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"provided that elections held in the City of Newton in Catawba County shall be governed by the provisions of this Article."

Sec. 2. That G. S. 160-30 be and the same is hereby amended by adding at the end thereof the following:

"provided that in the City of Newton in Catawba County an election shall be held on the first Monday in May, 1959, and biennially thereafter."

Sec. 3. This Act shall apply to the City of Newton, Catawba County, only.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1959.

H. B. 89 **CHAPTER 54**

AN ACT TO AUTHORIZE THE TOWN OF FOREST CITY AND THE RUTHERFORD COUNTY BOARD OF EDUCATION TO ENTER INTO A CONTRACT WITH RESPECT TO PROVIDING CERTAIN RECREATION FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Forest City and the Rutherford County Board of Education are hereby authorized to enter into a contract with respect to providing certain town and school recreation facilities located on property owned by the Rutherford County Board of Education in the Town of Forest City and for the joint use thereof conditioned on payment of a certain sum of money by the governing body of the Town of Forest City towards the construction and improvement of said town and school recreation facilities. To this end the governing body of the Town of Forest City is authorized to appropriate and spend for the construction and improvement of said town and school recreation facilities a total sum not in excess of five thousand dollars ($5,000), to be paid out of surpluses arising from the operation of municipal utilities such as electric power distribution and water and sewer services.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1959.

H. B. 108 **CHAPTER 55**

AN ACT GRANTING POWER AND AUTHORITY TO THE GOVERNING BODY OF THE CITY OF WASHINGTON TO PROVIDE BY ORDINANCE REGULATIONS FOR THE USE BY VEHICLES OF MUNICIPALLY OWNED OFF-STREET PARKING FACILITIES, AND OF OFF-STREET PUBLICLY OWNED PARKS AND GROUNDS OCCUPIED BY PUBLIC BUILDINGS, THE USE BY VEHICLES OF PRIVATELY OWNED AREAS FOR PUBLIC STREET PURPOSES, THE REMOVAL OF VEHICLES FROM ON-STREET PLACES UNDER CERTAIN CONDITIONS, AND TO PRESCRIBE AND ENFORCE CRIMINAL PENALTIES FOR VIOLATION OF SUCH ORDINANCES.

The General Assembly of North Carolina do enact:

Section 1. The Governing Body of the City of Washington is hereby granted the power and authority to enact ordinances for the regulation of the use by vehicles of

(a) Municipally owned off-street parking areas and facilities

(b) Off-street publicly owned parks, outdoor recreation areas, and yards and grounds occupied by public buildings

(c) Privately owned areas permissively used by the general public for street purposes.

Sec. 2. In the exercise of the power and authority granted by Section 1 hereof, said governing body shall have full power and authority to make and provide criminal penalties for violations of such ordinances, not exceeding the penalties provided by general law for the violation of city ordinances: Provided, however, said governing body is hereby granted power and authority, in addition to the foregoing, to provide that such vehicles in violation of parking regulations at any of the places included within the authority designated in Section 1 hereof may be towed away and the owner or person responsible therefor required to pay the resulting towing and storage charges.

Sec. 3. The Governing Body of the City of Washington is hereby granted the power and authority to provide by ordinance that vehicles stalled, wrecked, abandoned, or illegally parked upon any of the public streets of the City of Washington may be removed therefrom by having the same towed away to such off-street or other on-street place as may be designated by said governing body, and to require that the owner or person, firm, or corporation responsible for said vehicle so stalled, wrecked, abandoned or illegally parked be required to pay the towing and storage charges accruing from such removal, and the ownership of such vehicle as established by its registration with the North Carolina Department of Motor Vehicles shall be prima facie evidence as to the person, firm or corporation so responsible; and in the carrying out of the provisions set forth in Section 2 and in this Section relating to the removal and storage of vehicles, said governing body is hereby fully authorized and empowered to provide such towing and storage facilities by and through its own forces, equipment, and property as well as by contract with independent towing and storage contractors and operators, and said governing body may appropriate and use reasonable sums of public funds to defray the necessary expenses thereof.

Sec. 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1959.

H. B. 138 CHAPTER 56

AN ACT REWRITING SECTION 6 OF CHAPTER 219, PRIVATE LAWS OF 1911 AS AMENDED BY CHAPTER 46, PRIVATE LAWS OF 1915, AND REWRITTEN BY CHAPTER 36, PRIVATE LAWS OF 1933 RELATING TO THE ELECTION OF COMMISSIONERS OF THE TOWN OF SMITHFIELD IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 6 of Chapter 219, Private Laws of 1911 as amended by Chapter 46, Private Laws of 1915 and rewritten by Chapter 36, Private Laws of 1933, the same being the Charter of the Town of Smithfield in Johnston County, be and the same is hereby rewritten to read as follows:

"Sec. 6. That there shall be an election on Tuesday after the first Monday in May, 1959 and biennially thereafter for a Mayor of the Town of Smithfield, who shall hold said office for a term of two years and until his or her successor shall be duly elected and qualified.

"That there shall be an election on Tuesday after the first Monday in May, 1959 for seven commissioners for said town and that the four candidates receiving the largest number of votes at said election shall each serve for a term of four years and until his or her successor is duly elected and qualified; and the three candidates receiving the next largest number of votes for commissioners so elected shall each serve for a term of two years and until his or her successor is duly elected and qualified. Thereafter, all commissioners shall be elected for terms of four years and until their respective successors are duly elected and qualified. The primary election for the municipal offices for the Town of Smithfield is hereby abolished."

Sec. 2. All candidates for a municipal office in the Town of Smithfield shall file for their candidacy at least 15 days prior to the election.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1959.

S. B. 8 CHAPTER 57

AN ACT RELATING TO THE LETTING OF PUBLIC CONTRACTS FOR SCHOOL CONSTRUCTION PURPOSES IN BRUNSWICK COUNTY.

WHEREAS, the Lincoln High School located at Leland, and the Union High School located at Shallotte, both in Brunswick County, are not accredited high schools for the reason that these schools do not have a gymnasium or any facilities for physical education and recreational purposes; and

WHEREAS, the financial condition of Brunswick County is such that the Board of Education of said County cannot employ the services of a registered architect or engineer to prepare plans and specifications for the construction of such facilities; and

WHEREAS, such facilities may be constructed more economically by employees of the County Board of Education of said County who are well qualified to plan and supervise said construction and to utilize qualified employees of said Board for this work: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-135, 1958 Replacement Volume 3B, is amended by adding at the end thereof the following:

"The provisions of this Article shall not apply to the County Board of Education of Brunswick County in the expenditure of public funds by said Board for the construction of physical education and recreational facilities at the following high schools: Brunswick County Training School, Southport; Lincoln High School, Leland; Union High School, Shallotte when the total costs of such construction shall not exceed the sum of twenty-five thousand dollars ($25,000.00) each, if the completed projects or structures are performed by or through duly elected officers, employees or agents of the County Board of Education of said County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1959.

H. B. 157 CHAPTER 58

AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF CRAVEN COUNTY AND THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN TO APPROPRIATE FUNDS IN CONNECTION WITH THE CELEBRATION OF THE TWO HUNDRED FIFTIETH ANNIVERSARY OF THE FOUNDING OF NEW BERN, AND TO PERMIT THE CITY OF NEW BERN TO APPROPRIATE FUNDS IN CONNECTION WITH THE CELEBRATION OF THE OPENING OF TRYON PALACE.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Craven County, in its discretion, may appropriate such sum of money as it shall deem appropriate during the fiscal years 1958-1959 and 1959-1960 to be used by Craven County or such agency as the Board of County Commissioners of Craven County may designate in the celebration of the two hundred fiftieth anniversary of the founding of the City of New Bern.

Sec. 2. The Board of Aldermen of the City of New Bern, in its discretion, may appropriate such sum of money as it shall deem appropriate

during the fiscal years 1958-1959 and 1959-1960 to be used by the City of New Bern or such agency as the Board of Aldermen of New Bern may designate in the celebration of the two hundred fiftieth anniversary of the founding of the City of New Bern.

Sec. 3. The Board of Aldermen of the City of New Bern may, in its discretion, appropriate during the fiscal year 1958-1959 such sum of money as it shall deem appropriate to be used by the said City of New Bern in participating in the celebration of the opening of Tryon Palace in said city during the month of April, 1959.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1959.

S. B. 51 CHAPTER 59

AN ACT TO AMEND G. S. 7-103 RELATING TO THE JURISDICTION OF THE GASTON COUNTY DOMESTIC RELATIONS AND JUVENILE COURT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-103 is amended by adding at the end thereof the following:

"In Gaston County in all cases where there is a controversy relating to the custody of minor children between the parents of such children or between any other persons or between any person and any officer, agency or institution of the State or any of its political subdivisions or between any person and public or private institution, concurrent jurisdiction is vested in the Gaston County Domestic Relations and Juvenile Court to hear and determine the issues involved in such controversy. Any controversy now or hereafter pending in the Superior Court of Gaston County may be remanded by the judge presiding over such court to the Gaston County Domestic Relations and Juvenile Court for hearing and determination of the issues involved."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1959.

S. B. 57 **CHAPTER 60**

AN ACT TO PROVIDE FOR AN ELECTION ON THE QUESTION OF INCREASING THE TERMS OF OFFICE FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF KINGS MOUNTAIN.

The General Assembly of North Carolina do enact:

Section 1. At the regular election for officers of the City of Kings Mountain to be held in May, 1959, there shall be submitted to the electors of said city the question as to whether or not the terms of office of the mayor and the board of commissioners shall be increased to four years. At said election, ballots shall be prepared containing substantially the following language:

"☐ For increasing the term of office of the mayor to four years.

"☐ Against increasing the term of office of the mayor to four years.

"☐ For increasing the terms of office of the commissioners to four years.

"☐ Against increasing the terms of office of the commissioners to four years."

Sec. 2. At said election, if a majority of the electors shall vote in favor of increasing the term of office of the mayor to four years, the mayor elected at the May 1959 election shall serve for a term of four years and until his successor is elected and qualified. At the election in 1963, and quadrennially thereafter, the mayor of said city shall be elected for a term of four years and until his successor is elected and qualified.

In the event a majority of the electors shall vote in favor of increasing the terms of office of the city commissioners to four years the commissioners elected at the May 1959 election shall serve for terms of four years each and until their successors are elected and qualified. At the election in 1963, and quadrennially thereafter, the commissioners of said city shall be elected for terms of four years each and until their successors are elected and qualified.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1959.

S. B. 58 **CHAPTER 61**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GRANVILLE COUNTY TO PAY ADDITIONAL FEES TO RABIES INSPECTORS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Granville County, North Carolina is authorized and empowered, in its discretion, to appropriate and to pay to each rabies inspector in said county for his services in vacci-

nating dogs against rabies a sum in addition to the amount said rabies inspectors are now being paid by the owners of said dogs for such services, said additional sum to be in the discretion of the said board and to be paid out of dog taxes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be retroactive to February 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of March, 1959.

S. B. 59 CHAPTER 62

AN ACT TO AMEND CHAPTER 1041 OF THE SESSION LAWS OF 1949 RELATING TO THE HALIFAX COUNTY LAW ENFORCEMENT OFFICERS' RELIEF ACT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1041 of the Session Laws of 1949 is hereby amended as follows:

(a) By changing the period in line seven of Section 2 to a colon and inserting thereafter the clause: "Provided, any peace officer who has been a member of the Association for ten years or more and has reached the age of sixty (60) years and retires from active duty as a peace officer may remain a member of the Association as long as he complies with the rules and requirements made by the executive board."

(b) By inserting after the second paragraph of Section 4 a third paragraph to read: "The executive board may, in its discretion, invest up to but not to exceed the sum of Ten Thousand Five Hundred Dollars ($10,500.00) for the construction of a building and equipment to be used as a meeting place for the Association and may spend not more than Five Hundred Dollars ($500.00) each year to pay taxes, insurance and general upkeep of said building."

(c) By striking from lines four and five of the first paragraph of Section 6 the words "in the actual discharge of duty as a law enforcement officer," and substituting therefor the words "while serving as a full time law enforcement officer."

Sec. 2. All expenditures heretofore made within the limits of this Act for the construction of an Association building are hereby validated.

Sec 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1959.

S. B. 70 **CHAPTER 63**

AN ACT TO AMEND CHAPTER 278 OF THE SESSION LAWS OF 1957 RELATING TO THE TOWN OF CONETOE IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 1 of Chapter 278 of the Session Laws of 1957 is amended by striking out in line 2 of said portion the word "three" and inserting in lieu thereof the word "four". Said quoted portion is further amended by inserting between the first and second sentence thereof the following:

"The mayor shall preside at the meeting of the commissioners but shall have no vote except in case of a tie."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1959.

H. B. 84 **CHAPTER 64**

AN ACT TO AMEND G. S. 153-9, SUBSECTION 43, RELATING TO FARM DEMONSTRATION AND HOME DEMONSTRATION AGENTS SO AS TO MAKE THE SAME APPLICABLE TO JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 43 of G. S. 153-9 is hereby amended by striking out the period at the end of the subsection, inserting a colon in lieu thereof, and adding the following words:

"Provided, however, paragraph (b) of this subsection shall apply to Johnston County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1959.

H. B. 169 **CHAPTER 65**

AN ACT TO PROVIDE FOR THE ABOLITION OF HYDE COUNTY DRAINAGE DISTRICTS NOS. 2 AND 9.

The General Assembly of North Carolina do enact:

Section 1. Hyde County Drainage District No. 9 is hereby abolished.

Sec. 2. The drainage commissioners of Hyde County Drainage District No. 2 are hereby authorized to meet for the purpose of conveying to Hyde County those easements of right of way upon which are now found the

Main Canal (also known as Roper Canal and Herring Run Canal) and New Lake Canal (also known as Old State Canal).

Upon the completion of such conveyance and the vesting of such easements in Hyde County, the said Hyde County Drainage District No. 2 will cease to exist and be abolished.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1959.

S. B. 29 CHAPTER 66

AN ACT AMENDING THE CHARTER OF THE BOARD OF LIGHT AND WATER COMMISSIONERS OF THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 71, Private Laws of 1905, as amended by Chapter 265, Private Laws of 1935 and Chapter 1180, Session Laws of 1955, be and the same is hereby further amended by adding at the end of Section 6(c) thereof another subsection to be numbered Section 6(d) and reading as follows:

"Sec. 6(d). The Board of Light and Water Commissioners of the City of Concord is hereby authorized and empowered:

(1) To fix and collect rates, fees and charges for the use of and for the services and facilities furnished or to be furnished in the form of electrical and water service to be paid by the owner, tenant or occupant of each lot or parcel of land which may be served by such electrical and water facilities, and to revise such schedule of rates, fees and charges from time to time; to fix and collect charges for tapping the water lines; and to fix and collect a different schedule of rates, fees and charges for the use of electrical, water and tapping services when rendered or made outside the corporate limits of the City of Concord, but said Board of Light and Water Commissioners shall in no case be compelled to furnish electrical or water services outside the corporate limits of the City of Concord, or be liable for damages for failure to furnish the same. Such rates, fees and charges are to be uniform, just and equitable and based upon methods of computation adopted by the Board of Light and Water Commissioners.

(2) To fix the times when rates, fees and charges for electrical and water services shall become due and payable, and in case such rates, fees and charges are not paid within ten days after becoming due, the same may at any time thereafter be collected by suit brought in the name of said board. Upon the failure of the owner, tenant or occupant of property for which services are furnished to pay the rates, fees and charges when due, then said board or its agent or employees may cut off the service to such property; and when so cut off, it shall be unlawful for any person, firm or corporation other than said board or its agents or employees to turn on the services to such property.

(3) To require a deposit by an owner, tenant or occupant of the premises to which electrical or water services are to be rendered and to fix the amount thereof, which said deposit shall be applied toward the payment of any delinquent rents, fees or charges due the said board by said owner, tenant or occupant for said electrical or water services."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1959.

S. B. 117 CHAPTER 67

AN ACT TO EXTEND THE TIME FOR MAKING THE QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Iredell County is authorized, in its discretion, to defer or postpone until the year 1960 the quadrennial revaluation and reassessment of real property for ad valorem tax purposes as required by G. S. 105-278.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1959.

H. B. 26 CHAPTER 68

AN ACT CLARIFYING THE AUTHORITY OF THE STATE DEPARTMENT OF ARCHIVES AND HISTORY TO CONDUCT A RECORDS MANAGEMENT PROGRAM FOR STATE AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 121-2 is hereby amended by adding a new subsection immediately following G. S. 121-2 (4) to be designated as G. S. 121-2 (4.1) and to read as follows:

"To conduct a records management program, including the operation of a records center or centers and a centralized microfilming program, for the benefit of all State agencies."

Sec. 2. That G. S. 132-8 is hereby amended by adding at the end thereof the following:

"When requested by the State Department of Archives and History, public officials shall assist the Department in the preparation of an inclusive inventory of records in their custody, to which shall be attached a schedule, approved by the head of the governmental unit or agency having

custody of the records and the Director of the State Department of Archives and History, establishing a time period for the retention or disposal of each series of records. Upon the completion of the inventory and schedule, the State Department of Archives and History shall (subject to the availability of necessary space, staff, and other facilities for such purposes) make available space in its Records Center for the filing of semi-current records so scheduled and in its Archives for non-current records of permanent value, and shall render such other assistance as needed, including the microfilming of records so scheduled."

Sec. 3. That G. S. 129-5 is hereby amended by striking out subsection (6) thereof.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1959.

H. B. 86 CHAPTER 69

AN ACT TO EXTEND THE TIME FOR MAKING THE QUADRENNIAL REVALUATION AND REASSESSEMENT OF REAL PROPERTY IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Johnston County is authorized to postpone until the year 1961 the quadrennial reassessment and revaluation of real property in Johnston County as required by G. S. 105-278.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1959.

H. B. 141 CHAPTER 70

AN ACT RELATING TO THE COMPENSATION OF CERTAIN OFFICIALS OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In lieu of the compensation provided for members of the board of county commissioners in Section 1 of Chapter 566 of the Session Laws of 1957, each member of the board of county commissioners shall be paid thirty dollars ($30.00) per day, plus actual expenses but not including any travel allowance, for each day he is engaged in the performance of his duties as a county commissioner or as a member of the County Board of Equalization and Review and shall be paid an amount, in the discretion of the board of county commissioners, not exceeding twenty-five dollars ($25.00) per day, plus actual expenses including reasonable travel allow-

ance, for each day he is engaged in the performance of official duties on behalf of the board of county commissioners when so authorized by the county board of commissioners.

Sec. 2. The board of county commissioners, in its discretion, is hereby authorized to increase the salaries of the sheriff, the register of deeds, and the Clerk of the Superior Court to amounts not exceeding by more than five percent (5%) their salaries as fixed, respectively, by Section 1 of Chapter 566 of the Session Laws of 1957.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. Section 1 of this Act shall be effective on or after its ratification, and Section 2 of this Act shall be effective on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 13th day of March, 1959.

H. B. 166 CHAPTER 71

AN ACT TO EXTEND THE TIME FOR MAKING THE QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Pasquotank County is authorized, in its discretion, to defer or postpone until after the year 1963 the quadrennial revaluation and reassessment of real property for ad valorem tax purposes as required by G. S. 105-278.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1959.

H. B. 178 CHAPTER 72

AN ACT AMENDING G. S. 115-121 TO PROVIDE THAT SUPPLEMENTAL ELECTIONS IN CITY ADMINISTRATIVE UNITS FORMED FROM PORTIONS OF CONTIGUOUS COUNTIES MAY BE CALLED AND CONDUCTED BY THE GOVERNING BODY OF THE MUNICIPALITY RATHER THAN BY THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-121 be and the same is hereby amended by adding at the end thereof the following:

"In the case of a city administrative unit in any incorporated city or town and formed from portions of contiguous counties, said petition shall be presented to the governing body of the city or town situate within, coterminous with, or embracing such city administrative unit, and the

election shall be ordered by said governing body, and said governing body shall perform all the duties pertaining to said election performed by the board of county commissioners in elections held under this Article."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1959.

H. B. 191 CHAPTER 73

AN ACT TO PROHIBIT THE THROWING OF DEAD CHICKENS, OTHER FOWL, EGGS AND ANY OTHER DEBRIS, TRASH OR GARBAGE IN STREAMS OR ALONG COUNTY ROADS AND CITY STREETS IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, association of persons, firm or corporation to throw dead chickens or other dead fowl, eggs, and any other debris, trash or garbage in the streams or along the county roads and city streets in Clay County. All dead fowl and discarded eggs shall be buried in a suitable place at a reasonable distance from streams, dwellings, buildings, roads and streets in said county.

Sec. 2. Any person, association of persons, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not to exceed fifty dollars ($50.00) or imprisoned not exceeding thirty (30) days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1959.

H. B. 221 CHAPTER 74

AN ACT TO AMEND ARTICLE 24 OF CHAPTER 7 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO RECORDERS' COURTS AS IT APPLIES TO SUCH COURT IN THE TOWN OF SOUTHERN PINES.

The General Assembly of North Carolina do enact:

Section 1. Section 7-186 of the General Statutes is hereby amended by adding at the end thereof the following:

"The Recorder and the Prosecuting Attorney for the Municipal Recorder's Court of the Town of Southern Pines shall be nominated and elected by the qualified voters of the Town of Southern Pines, in Moore County, in the same manner and at the same time as is now provided by

law for the other elective officers of the Town of Southern Pines and in the general election for such officers. The term of office for the recorder and the prosecuting attorney of said court shall be the same as is now provided by law for the elective officers of the Town of Southern Pines. Any qualified voter of Moore County, residing within the territorial jurisdiction of said court, shall be eligible for nomination and election to the office of recorder or prosecuting attorney of said court. Any qualified voter of Moore County, residing within the territorial jurisdiction of said court in Moore County, shall be eligible for appointment to the office of vice-recorder, clerk, assistant clerk, and deputy clerk of said court; provided, that any candidate for the office of the prosecuting attorney shall be also a duly licensed attorney as required by the laws of the State of North Carolina."

Sec. 2. Section 7-195 of the General Statutes, insofar as it relates to any recorder's court established in the Town of Southern Pines, is hereby amended by adding at the end thereof the following:

"Provided, that no trial by jury may be had in such recorder's court, but in the trial of any criminal case in the Recorder's Court of the Town of Southern Pines, upon demand for a trial by jury by the defendant or prosecuting attorney representing the State, the recorder shall transfer such case to the Superior Court of Moore County for trial, and the defendant shall execute a new bond in an amount fixed by the recorder for his appearance at the next term of Superior Court of Moore County."

Sec. 3. Section 7-200 of the General Statutes insofar as it relates to any recorder's court established in the Town of Southern Pines is hereby amended by adding at the end thereof the following:

"The governing body of the Town of Southern Pines shall appoint such assistant clerks, and deputy clerks for the office of the clerk, from time to time, as the recorder shall specify; provided that all assistant clerks shall enter into a bond, identical with that required of the clerk, in the sum to be fixed by the town council, not to exceed five thousand dollars ($5,000.00). The town council shall have the right to remove any such assistant clerks and deputy clerks, either for incapacity or for neglect of the duties of his office, and in case of a vacancy for any cause the office shall be filled in the manner hereinbefore provided. In the absence or disability of the clerk, the assistant clerk shall have all the powers and authority of the clerk as fully as assistant clerks of the Superior Court would have, if the Superior Court had jurisdiction. In the name of the clerk, the deputy clerks shall have the duty and authority of performing all ministerial and administrative functions of the clerk as fully as deputy clerks of the Superior Court would have, if the Superior Court had jurisdiction, with respect to all matters and proceedings of which the court has jurisdiction, and with respect to all affidavits, process, proceedings, orders, or writs pertaining thereto. In addition, deputy clerks, in the name of the clerk, shall fix and take bond, take proof by oath and perform the duties of a clerk as provided by G. S. 7-198. The assistant clerks and deputy clerks shall, before assuming office, take and subscribe the oath required of the clerk. All salaries and compensation shall be fixed and determined in the discretion of the Town Council of the Town of Southern Pines."

Sec. 4. Section 7-203 of the General Statutes insofar as it relates to any recorder's court established in the Town of Southern Pines is hereby amended by adding at the end thereof the following:

"Provided, whenever the prosecuting attorney disqualifies himself or is absent or disabled, the recorder, or in his absence or disability, the vice-recorder, may, by order entered and filed with the clerk, appoint one or more attorneys at law residing within the territorial jurisdiction of said court to act as substitute prosecuting attorney; provided such order of appointment shall set forth the specific session, or sessions, of said court and the specific time for which said substitute prosecuting attorney shall serve, and for such period of time and such sessions specified, said substitute prosecuting attorney shall have the powers of a prosecuting attorney of said court and shall be compensated for his services as determined in the discretion of the Town Council of the Town of Southern Pines."

Sec. 5. Section 7-204 of the General Statutes shall not apply to any recorder's court established in the Town of Southern Pines.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1959.

H. B. 265 CHAPTER 75

AN ACT AMENDING SECTION 7 OF HOUSE BILL 50 OF THE 1959 SESSION, RATIFIED FEBRUARY 24, 1959, AND REWRITING SECTION 9 OF THE SAID ACT RELATING TO PRIMARY AND GENERAL ELECTIONS IN THE TOWN OF ROCKWELL IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 7 of House Bill 50 of the 1959 Session, ratified on February 24, 1959, be and the same is hereby amended by adding at the end thereof the following:

"The registration books shall be kept open at the polling places for the registration of voters and for challenges between the hours of 9:00 o'clock A. M. and 6:00 o'clock P. M. on the Saturday between the primary and the general election."

Sec. 2. That Section 9 of House Bill 50 of the 1959 Session, ratified on February 24, 1959, be and the same is hereby rewritten to read as follows:

"All primary municipal elections and general municipal elections shall be conducted, as far as practicable in all things and in all details, in accordance with the provisions of Article 3, Chapter 160 of the General Statutes, except where the provisions of same are inconsistent with this Act. All the provisions of this Act shall apply to the 1959 municipal primary and general election in the Town of Rockwell and to all subsequent municipal primaries and general elections in said town."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1959.

H. B. 266 CHAPTER 76

AN ACT AMENDING SECTION 8 OF CHAPTER 14, SESSION LAWS OF 1957, AND REWRITING SECTION 10 OF THE SAID ACT, RELATING TO PRIMARY AND GENERAL ELECTIONS IN THE TOWN OF GRANITE QUARRY.

The General Assembly of North Carolina do enact:

Section 1. That Section 8 of Chapter 14, Session Laws of 1957, be and the same is hereby amended by adding at the end thereof the following:

"The registration books shall be kept open at the polling places for the registration of voters and for challenges between the hours of 9:00 o'clock A. M. and 6:00 o'clock P. M. on the Saturday between the primary and the general election."

Sec. 2. That Section 10 of Chapter 14, Session Laws of 1957, be and the same is hereby rewritten to read as follows:

"All primary municipal elections and general municipal elections shall be conducted, as far as practicable in all things and in all details, in accordance with the provisions of Article 3, Chapter 160 of the General Statutes, except where the provisions of the same are inconsistent with this Act. All the provisions of this Act shall apply to the 1959 municipal primary and general election in the Town of Granite Quarry and to all subsequent municipal primaries and general elections in said town."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1959.

S. B. 82 CHAPTER 77

AN ACT TO AMEND CHAPTER 1 OF THE GENERAL STATUTES SO AS TO STATE THE EFFECT ON A COUNTERCLAIM OF THE GRANTING OF A NONSUIT AS TO THE PLAINTIFF'S CAUSE OF ACTION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1 of the General Statutes is hereby amended by inserting immediately following G. S. 1-183 and immediately preceding G. S. 1-184 a new Section to be designated as Section 1-183.1 and to read as follows:

"§ 1-183.1. Effect on counterclaim of nonsuit as to plaintiff's claim. The granting of a motion by the defendant for judgment of nonsuit as to the plaintiff's cause of action shall not amount to the taking of a voluntary nonsuit on any counterclaim which the defendant was required or permitted to plead pursuant to G. S. 1-137."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of March, 1959.

H. B. 19 CHAPTER 78

AN ACT AMENDING G. S. 115-19 INSOFAR AS THE SAME RELATES TO JACKSON COUNTY, AND REPEALING CHAPTER 490, SESSION LAWS OF 1953, RELATING TO THE NOMINATION OF MEMBERS OF THE JACKSON COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-19 be and the same is hereby amended by adding at the end thereof the following:

"Provided that this Section shall not apply to Jackson County except that the County Board of Education for said county shall be named and appointed by the General Assembly of North Carolina."

Sec. 2. All laws and clauses of laws, including Chapter 490, Session Laws of 1953, in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall apply to Jackson County only.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1959.

H. B. 28 CHAPTER 79

AN ACT TO AUTHORIZE THE COUNTY OF CALDWELL TO CONSTRUCT AND EQUIP A NEW COUNTY BUILDING NEAR THE CITY OF LENOIR, INCLUDING PARKING FACILITIES AND THE ACQUISITION OF ANY NECESSARY LAND, AND TO ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. The County of Caldwell, through its Board of Commissioners, is hereby authorized and empowered to construct and equip a new county building near the City of Lenoir to provide offices and facilities for the various departments, agencies and bureaus of the county, including adequate facilities for parking and the acquisition of any necessary land, and to issue bonds of the county to provide funds to pay all or any part of the cost thereof. Said bonds shall be issued in accordance with the provisions of the County Finance Act, as amended, and the Local Government Act, as amended.

Sec. 2. The powers granted by this Act are in addition to and not in substitution for any other powers heretofore or hereafter granted to said county.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1959.

H. B. 38 CHAPTER 80

AN ACT AMENDING THE CHARTER OF THE TOWN OF HAYESVILLE TO PROVIDE FOR THE NOMINATION OF CANDIDATES FOR THE OFFICES OF MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS BY PARTY PRIMARIES, TO PROVIDE FOR TERMS OF OFFICE OF TWO YEARS FOR SUCH OFFICERS AND TO FIX THEIR COMPENSATION.

The General Assembly of North Carolina do enact:

Section 1. That Section 12 of Chapter 468, Public Laws of 1913, the same being the Charter of the Town of Hayesville, be and the same is hereby rewritten to read as follows:

"Sec. 12. Primaries and Elections:

(a) On and after the effective date of this Act, all candidates for Mayor and Commissioners of the Town of Hayesville to be voted on in the General Municipal Elections of said town, shall be nominated in political party primaries in the manner and form herein prescribed, and no name shall be printed on the general election ballot for said town except of those candidates who are nominated under the provisions of this Act.

(b) On and after the fourth Tuesday preceding the date of the holding of the general municipal election of the Town of Hayesville, there shall be called and held, under the direction of the Clay County Board of Elections by election officials designated and appointed by them for that purpose a party primary for the purpose of nominating candidates for Mayor and Commissioners of the Town of Hayesville. In the event a runoff primary is required to determine the candidates for any political party, the runoff shall be held on the second Tuesday next preceding the date of the general election.

Such primary elections shall be governed by the general laws providing for primary elections in subchapter II of Chapter 163 of the General Statutes insofar as such general laws may be construed to apply to said municipal primary, and in all other respects where the general laws of the State cannot be construed to conform to the provisions of the procedures of a municipal primary, said primary election shall be governed by rules and regulations to be adopted by the Clay County Board of Elections for such primary.

(c) Any person desiring to become a candidate for nomination in the primary for the office of Mayor or a member of the Board of Commissioners of the Town of Hayesville shall, by 12:00 o'clock noon on the second Wednesday preceding the primary election, file with the Chairman of the Clay County Board of Elections a statement of such candidacy in substantially the following form:

'STATE OF NORTH CAROLINA
COUNTY OF CLAY

I, ..., hereby give notice that I reside in the Town of Hayesville, County of Clay, State of North Carolina; that I am a candidate for nomination for the office of mayor, member of the Board of Commissioners (strike out inapplicable part), to be voted upon at the primary election to be held on the.....Tuesday of May, 19..... I affiliate with the.....party and shall support the nominees of that party, and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(Signed).....'

Each candidate for mayor shall, at the same time, pay to the Chairman of the County Board of Elections, to be turned over to the town treasurer, a filing fee in the sum of ten dollars ($10.00). Each candidate for commissioner shall, at the same time, pay to the Chairman of said Board of Elections, to be turned over to the town treasurer, a filing fee in the sum of five dollars ($5.00).

(d) The registration books shall be open on the sixth, seventh, and eighth Staturdays next preceding the date on which the general election is held. The registration books shall not thereafter be open for registration for either the primary or general municipal election except for persons qualifying between the time of closing of the books and the general election, as in the case of newly qualified voters under the general election laws of the State. The fifth Saturday next preceding such general election shall be set for challenge day for the registration.

(e) The Clay County Board of Elections is authorized, empowered and directed to supervise and conduct each and every primary election, general election and referendum election submitted to the voters of the Town of Hayesville regardless of the purpose for which the election may be held. All primaries and elections conducted by the Clay County Board of Elections, under authority of this Act, for the Town of Hayesville shall be held at the expense of and be paid for by said town and said expense shall constitute a valid expenditure of the funds of said city for that purpose.

In the conduct of said primaries and elections for the Town of Hayesville, the Clay County Board of Elections shall have the power and is directed to appoint all precinct officials for the conduct of elections, to canvass the vote for the said elections and, in general to exercise all of the same powers in connection with such elections as is now exercised under the law by the Clay County Board of Elections in the conduct of primaries and elections for the nomination and election of county officers.

(f) The fourth Tuesday in May every second year shall be the date for the holding of the general municipal election in the Town of Hayesville.

The first primary and general election to be conducted under the provisions of this Act shall be held in the year 1959.

(g) The Mayor and members of the Board of Commissioners of the Town of Hayesville shall be installed in their respective offices at 12:00 o'clock noon on the first Wednesday in July next after their election, and shall hold their respective offices for the term of two (2) years and until their successors shall be elected and qualified. The terms of office of the present Mayor and Commissioners of the Town of Hayesville are hereby extended until 12:00 o'clock noon on the first Wednesday in July, 1959."

Sec. 2. From and after July 1, 1959, the compensation of the Mayor of the Town of Hayesville shall be ten dollars ($10.00) per month to be paid out of the general fund of the town; and the compensation of each member of the Board of Commissioners of said town shall be seven dollars and fifty cents ($7.50) per month to be paid out of the general fund of the town. In addition to the foregoing, each of said officials shall be reimbursed by the town for their actual expenditures made in the performance of their duties.

Sec. 3. All laws and clauses of laws, including Chapter 24, Session Laws of 1949 and Chapter 887, Session Laws of 1957, in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1959.

H. B. 70 CHAPTER 81

AN ACT AMENDING G. S. 47-95 RELATIVE TO ACKNOWLEDGMENTS TAKEN BY NOTARIES INTERESTED AS TRUSTEE OR HOLDING OTHER OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That Section 47-95, as the same appears in the 1957 Cumulative Supplement to Volume 2A of the General Statutes, be and the same is hereby amended by striking out the figures "1957" appearing in line 3 and inserting in lieu thereof the figures "1959".

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1959.

H. B. 85 **CHAPTER 82**

AN ACT TO AMEND G. S. 153-77 SO AS TO AUTHORIZE THE ISSUANCE OF BONDS AND THE LEVY OF A TAX FOR COUNTY OFFICE BUILDING PURPOSES IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-77 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"(r) The erection and purchase of a building or buildings, including the necessary land and equipment therefor, to provide necessary office space for county governmental officials and agencies including auditorium facilities."

Sec. 2. This Act shall apply only to Johnston County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1959.

H. B. 122 **CHAPTER 83**

AN ACT TO AMEND SECTION 4 OF CHAPTER 1062 OF THE 1953 SESSION LAWS RELATING TO THE BOUNDARIES OF THE WARDS IN THE CITY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 4 of Chapter 1062 of the 1953 Session Laws so that the same shall hereafter read as follows:

"Sec. 4. That said city shall be divided into four wards to be known respectively as the First, Second, Third and Fourth Wards.

"FIRST WARD BOUNDARIES

"The First Ward shall be bounded as follows: Beginning at the center of the intersection of Main and Road Streets; thence southwardly down the center of South Road Street and the southwardly projection thereof to the center of Herrington Run or Charles Creek; thence eastwardly and northwardly along the run of said creek to the channel of Pasquotank River; thence North 45 degrees East to the boundary of the city; thence westwardly, northwardly and westwardly following the boundary of said city to its intersection with North Road Street; thence southwardly down the center of North Road Street to the place of beginning.

"SECOND WARD BOUNDARIES

"The Second Ward shall be bounded as follows: Beginning at the center of the intersection of Main and Road Streets; thence westwardly down the center of West Main Street to the city limits; thence northwardly and eastwardly following said city boundary to its intersection with the First Ward; thence southwardly following the West line of the First Ward to the center of the intersection of Main and Road Streets at the point of beginning.

"THIRD WARD BOUNDARIES

"The Third Ward shall be bounded as follows: Beginning at the center of the intersection of Main and Road Streets; thence westwardly binding the South line of the Second Ward to the boundary of said city limits; thence southwardly and eastwardly with said city limits its various courses to the southerly prolongation of the center line of South Road Street; thence northwardly along the southerly prolongation of South Road Street and the center line of South Road Street to the place of beginning.

"FOURTH WARD BOUNDARIES

"The Fourth Ward shall be bounded as follows: Beginning at the point of intersection of the East line of the Third Ward with the center of Herrington Run or Charles Creek; thence eastwardly and northwardly along the run of said creek to the channel of Pasquotank River; thence North 45 degrees East to the boundary of the city; thence eastwardly and southwardly and then westwardly along the boundary of said city to its intersection with the eastern line of the Third Ward above described; thence northwardly along the eastern line of the Third Ward to the place of Beginning."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of March, 1959.

H. B. 123 CHAPTER 84

AN ACT TO AMEND SECTION 3 OF CHAPTER 1450 OF THE SESSION LAWS OF 1957 RELATING TO FEES FOR BUILDING PERMITS IN THE EXTRATERRITORIAL PLANNING AND ZONING DISTRICT OF THE CITY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 3 of Chapter 1450 of the Session Laws of 1957 by deleting the last sentence in Section 3 and substituting in lieu thereof the following sentence: "The fees for such permits shall be the same as the fees for like permits within the City of Elizabeth City as by law and ordinance duly enacted and set."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1959.

H. B. 140 **CHAPTER 85**

AN ACT AMENDING G. S. 115-19 RELATING TO THE NOMINATION AND APPOINTMENT OF MEMBERS OF THE GRAHAM COUNTY BOARD OF EDUCATION AND FIXING THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-19 be and the same is hereby amended by adding at the end thereof the following:

"Provided that in Graham County the successors to the three members appointed for two-year terms by the 1959 General Assembly shall be nominated in the primary election to be held in 1960 for terms of two years each. One candidate so nominated shall reside in each of the three townships of said county, but shall be nominated by a county-wide vote.

"In the primary election to be held in 1962, the successors to the members of said board of education appointed by the 1959 General Assembly for four-year terms shall be nominated for terms of four years each and such members of said board of education may reside anywhere within Graham County."

Sec. 2. This Act shall apply to Graham County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1959.

H. B. 155 **CHAPTER 86**

AN ACT TO AUTHORIZE THE RICHMOND COUNTY BOARD OF EDUCATION TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. Richmond County Board of Education is authorized to sell at private sale to the Town of Hoffman for a consideration of two hundred dollars ($200.00), the following described land:

"In Beaver Dam Township, Richmond County, BEGINNING at an iron stake in the eastern edge of the paved road leading from Hoffman to Laurel Hill where said road intersects a paved road leading from said road by the old Hoffman School shop and gymnasium and said beginning also being situate South 10 degrees 47 minutes East 118.3 feet from the southwestern corner of a 3.05 acre tract of land purchased by the Richmond County Board of Education from Howard and Burley Thompson and runs thence from said beginning with the center of said paved road leading by the old Hoffman School and gymnasium the following courses and distances: South 84-59 East 114.8 feet to an iron stake, North 75-28 East 223.1 feet to an iron stake; thence leaving said paved road South 12-27 East 116.1 feet

to an iron stake; thence North 77-33 East 137.7 feet to an iron stake in the western edge of another paved road; thence South 2-10 West 180.1 feet to an iron stake in the said other paved road; thence South 80-57 West 433 feet to an iron stake in the eastern edge of the Hoffman to Laurel Hill paved road; thence as and with the eastern edge of the Hoffman to Laurel Hill paved road North 10-47 West 290.7 feet to the point of beginning, containing 2.13 acres, more or less."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1959.

H. B. 163 CHAPTER 87

AN ACT APPOINTING MEMBERS OF THE MADISON COUNTY BOARD OF EDUCATION AND FIXING THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That B. K. Meadows, Zeno H. Ponder, and Jeff Whitt be and they are hereby appointed members of the Madison County Board of Education.

Sec. 2. The terms of office of present members of the Madison County Board of Education shall terminate on the third Monday in March, 1959, and the terms of office of the persons named as members of said board of education in Section one of this Act shall begin on the third Monday in March, 1959, and shall continue for the term of four years thereafter and until their successors shall be duly elected and qualified.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1959.

H. B. 180 CHAPTER 88

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SAMPSON COUNTY TO EMPLOY TAX COLLECTORS ON A COMMISSION BASIS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Sampson County is hereby authorized and empowered to employ deputy tax collectors for the purpose of collecting those county taxes more than two years delinquent and to fix the compensation of such collectors at a commission on collections made, not to exceed:

(1) Ten percent (10%) on collection of taxes more than two but no more than four years delinquent;

(2) Fifteen percent (15%) on collection of taxes more than four but no more than six years delinquent; and

(3) Twenty percent (20%) on collection of taxes more than six years delinquent.

Sec. 2. This Act shall apply to Sampson County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of March, 1959.

S. B. 52

CHAPTER 89

AN ACT AUTHORIZING THE CITY OF WILMINGTON TO ACQUIRE, CONSTRUCT, IMPROVE, ENLARGE, EXTEND AND EQUIP PROPERTIES RELATING TO THE PORT FACILITIES OF THE CITY, TO LEASE SAID PROPERTIES TO PUBLIC OR PRIVATE INTERESTS AND TO ISSUE REVENUE BONDS OF THE CITY THEREFOR PURSUANT TO THE REVENUE BOND ACT OF 1938.

The General Assembly of North Carolina do enact:

Section 1. The City of Wilmington, a municipal corporation in the County of New Hanover, is hereby authorized to acquire, by purchase or otherwise, construct, improve, enlarge, extend and equip any property or properties relating to or deemed to be necessary or advisable for the promotion, development, maintenance or operation of port facilities of the city, including, but without limitation, warehouses, docks and loading facilities, conveyor equipment, and other storage, terminal and handling facilities, and to lease any such property or properties to a public agency or instrumentality or to any private person, firm or corporation and under such terms and conditions and for such period or periods as the governing body of the city shall deem to be in the best interests of the city.

Sec. 2. The city is hereby authorized to issue revenue bonds under and pursuant to the provisions of the Revenue Bond Act of 1938 to pay all or any part of the cost of any such acquisition, construction, improvement, enlargement, extension or equipment of any such property or properties.

Sec. 3. The powers granted by this Act are in addition to and not in substitution for any other powers heretofore or hereafter granted to said city.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1959.

S. B. 86 **CHAPTER 90**

AN ACT TO AMEND G. S. 47-18 SO AS TO MAKE IT CORRESPOND WITH G. S. 47-20 AND G. S. 47-20.1 WITH REGARD TO LIEN CREDITORS AND PLACE OF REGISTRATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-18 is hereby amended to read as follows:

"§ 47-18. Conveyances, contracts to convey and leases of land. (a) No conveyance of land, or contract to convey, or lease of land for more than three years shall be valid to pass any property as against lien creditors or purchasers for a valuable consideration from the donor, bargainor or lessor but from the time of registration thereof in the county where the land lies, or if the land is located in more than one county, then in each county where any portion of the land lies to be effective as to the land in that county.

"(b) This Section shall not apply to contracts, leases or deeds executed prior to March 1, 1885, until January 1, 1886; and no purchase from any such donor, bargainor or lessor shall avail or pass title as against any unregistered deed executed prior to December 1, 1885, when the person holding or claiming under such unregistered deed shall be in actual possession and enjoyment of such land, either in person or by his tenant, at the time of the execution of such second deed, or when the person claiming under or taking such second deed had at the time of taking or purchasing under such deed actual or constructive notice of such unregistered deed, or the claim of the person holding or claiming thereunder."

Sec. 1½. The provisions of this Act shall not apply to litigation pending on the effective date of this Act.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 18th day of March, 1959.

H. B. 115 **CHAPTER 91**

AN ACT TO REGULATE THE SALE OF CERTAIN VEGETABLE PLANTS OFFERED FOR THE PURPOSE OF TRANSPLANTING AND PROPAGATION.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known as the "Vegetable Plant Law."

Sec. 2. The purpose of this Act is to improve vegetable practices in North Carolina and to enable vegetable producers to secure vegetable plants for transplanting that are free from diseases and insects, and in order to prevent the spread of diseases and insects affecting the future stability of the vegetable industry and the general welfare of the public.

Sec. 3. As used in this Act, the word "standards", as applied to vegetable plants, includes the qualities of color, freshness, firmness, strength,

straightness, and unbroken condition and freedom from injurious insects, diseases and nematodes and means the standards with respect thereto as established and fixed either by the International Crop Improvement Association or an officially recognized certifying or inspecting agency of a state.

As used in this Act, the word "certified vegetable plants for transplanting", shall mean plants which have been tagged or labelled so as to indicate that such plants have been inspected by an authorized agent of an officially recognized state inspecting or certifying agency of some state, and found to conform to the appropriate standards, however, in the discretion of the Commissioner of Agriculture this does not necessarily imply certification for variety purity.

As used in this Act, the words "plants" or "vegetable plants" shall mean pepper, eggplant, sweet potato, onion, cabbage and tomato plants intended for transplanting purposes and such other vegetable plants intended for transplanting purposes as the State Board of Agriculture may designate by regulation in order to protect the vegetable industry.

Sec. 4. It shall be unlawful for any person, firm, or corporation to pack for sale, offer or expose for sale, or ship into this State any vegetable plants which do not meet the appropriate standards and which have not been appropriately tagged or labelled as certified vegetable plants for transplanting.

Sec. 5. The State Board of Agriculture is hereby authorized to adopt reasonable rules and regulations to carry out the provisions of this Act.

Sec. 6. To enforce the provisions of this Act effectively, the Commissioner of Agriculture and his duly authorized agents are authorized to inspect vegetable plants, and may enter any place of business, warehouse, common carrier or other places where such vegetable plants are stored or being held, for the purpose of making such an inspection; and it shall be unlawful for any person, firm or corporation in custody of such vegetable plants or of the place in which the same are held to interfere with the Commissioner or his duly authorized agents in making such inspections. When the Commissioner or his authorized inspectors find vegetable plants being held, offered or exposed for sale in violation of any of the provisions of this Act or any rule or regulation adopted pursuant thereto, he may issue a written or printed "Stop Sale" order to the owner or custodian of any such vegetable plants and it shall be unlawful for anyone, after receipt of such "Stop Sale" order, to sell for transplanting purposes any plants in respect to which such order has been issued unless and until so authorized by the Commissioner or his agent or a court of competent jurisdiction.

Sec. 7. Any person, firm or corporation violating any of the provisions of this Act or any rule or regulation promulgated pursuant thereto shall be guilty of a misdemeanor and punished by fine or imprisonment, or both, in the discretion of the court. Whenever the Commissioner of Agriculture becomes cognizant of any violations of the provisions of this Act, or regulations pursuant thereto, he shall immediately notify in writing the person, firm or corporation if same be known. Any party so notified shall be given

an opportunity to be heard under such rules and regulations as may be prescribed by the Commissioner and the Board of Agriculture. If it appears that any of the provisions of this Act have been violated, the Commissioner of Agriculture shall certify the facts to the solicitor in the district in which the inspection was made and furnish that officer with a copy of the results of the inspection of such vegetable plants thereof duly authenticated by the inspector making such inspection, under the oath of such inspector. Nothing in this Section shall operate to prevent the Commissioner from issuing a "Stop Sale" order pursuant to the provisions of this Act.

Sec. 8. Notwithstanding any other provision of this Act, the Commissioner of Agriculture is authorized when the public necessity, welfare, economy, or any emergency situation requires it, to permit for such periods of time as, in his discretion may seem necessary, the sale of vegetable plants for transplanting purposes which do not meet the standards referred to in Section 3 of this Act.

Sec. 9. This Act shall not apply to the sale by a grower or a retail merchant of vegetable plants grown within this State when such sale is made for home or garden or any other non-commercial use. The provisions of this Act shall not apply to the sale of vegetable plants for transplanting purposes in this State when grown within this State and sold by a plant producer to a planter having personal knowledge of the conditions under which such vegetable plants were grown or produced.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1959.

H. B. 149 CHAPTER 92

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF EDENTON IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Edenton, Chowan County, North Carolina, as set forth in Chapter 105 of the Private Laws of 1925 are hereby extended to include the following additional territory, to wit:

BEGINNING at the northeast corner of the present town limit of the Town of Edenton, said point being located at the intersection of Ryders Lane (Coke Avenue) and U. S. Highway No. 17 North; thence in a northwesterly direction, and along the present town limit 562 feet, more or less, to a point in the present town limit line; thence in a northeasterly direction, and parallel to the right-of-way of U. S. Highway No. 17 and 200 feet North of the northern right-of-way line, 3,299 feet, more or less, to a point; thence North 47 degrees West 296 feet, more or less, to a point; thence North 67 degrees West 1,157 feet, more or less, to a point, said point being located in the southern line of the right-of-way of the Norfolk Southern

Railway Company; thence along the right-of-way of said Railway Company 3,519 feet to a point; thence South 33 degrees 05 minutes West 994 feet to a point; thence South 32 degrees 45 minutes West 630 feet to a point; thence South 15 degrees 30 minutes West 329 feet to a point; thence South 15 degrees 15 minutes West 179 feet to a point; thence South 10 degrees 30 minutes West 131 feet to a point; thence South 09 degrees 30 minutes West 253 feet to a point; thence South 40 degrees 40 minutes East 1,011 feet to a point located in the northern line of the right-of-way of U. S. Highway No. 17; thence in a southeasterly direction and along the northern line of said right-of-way 66 feet, more or less, to a point; thence in a southerly direction and across U. S. Highway No. 17 to a point at the intersection of the right-of-way of said U. S. Highway No. 17 and the center line of the Old Hertford Road, said right-of-way of U. S. Highway No. 17 being 100 feet in width; thence in a southwesterly direction and along the center line of the Old Hertford Road 400 feet, more or less, to a point; thence in a westerly direction and parallel to the southern line of the right-of-way of U. S. Highway No. 17 and 200 feet South of the southern right-of-way line, 3,730 feet, more or less, to a point in the present town limit of the Town of Edenton, North Carolina, said present town limit line being located in the center line of Ryders Lane (Coke Avenue); thence in a northeasterly direction along the present town limit line 234 feet, more or less, to the point of beginning.

Sec. 2. The property included within the extended corporate limits of the Town of Edenton, above described, shall be subject to taxation as other property in the Town of Edenton for the next fiscal year beginning July 1, 1959, and the citizens residing in said territory shall be entitled to all the privileges and benefits of other citizens of the said town.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1959.

S. B. 114 CHAPTER 93

AN ACT AUTHORIZING THE TAX SUPERVISOR FOR HALIFAX COUNTY TO APPOINT COUNTY DEPUTY TAX COLLECTORS AS EX OFFICIO TAX LIST TAKERS AND ASSESSORS.

The General Assembly of North Carolina do enact:

Section 1. That the tax supervisor for Halifax County may, with the approval of the County Board of Commissioners, appoint deputy tax collectors of Halifax County as ex officio tax list takers and assessors, said list takers and assessors to be vested with all of the powers and duties conferred upon list takers and assessors by Subchapter II of Chapter 105 of the General Statutes.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1959.

H. B. 18 CHAPTER 94

AN ACT AMENDING G. S. 115-169 AS THE SAME RELATES TO JACKSON COUNTY, FIXING THE PUNISHMENT FOR VIOLATION OF THE COMPULSORY ATTENDANCE SCHOOL LAW.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-169 be and the same is hereby amended, by adding at the end thereof the following:

"Provided that in Jackson County a person convicted of a second or subsequent violation of the provisions of this Article within any one school year shall be guilty of a general misdemeanor, and be punished in the discretion of the court."

Sec. 2. This Act shall apply to Jackson County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1959.

H. B. 119 CHAPTER 95

AN ACT TO AMEND G. S. 160-200(25) RELATING TO INSURANCE FOR MUNICIPAL EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-200(25) is amended by striking out, in lines 9 and 10 thereof, the words "two thousand" and inserting in lieu thereof the words "five thousand".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1959.

H. B. 207 CHAPTER 96

AN ACT TO AMEND G. S. 14-335 WITH RESPECT TO PUBLIC DRUNKENNESS IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-335, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting the

word "Caswell," in line 3 of the sub-paragraph designated as "1" between the word "Camden" and the word "Cherokee".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1959.

H. B. 208 CHAPTER 97

AN ACT RELATING TO THE DOG WARDEN OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The dog warden of Caswell County shall ex officio have all the powers of any law enforcement officer appointed pursuant to G. S. 18-45, but he shall exercise only such powers and perform only such duties as the Caswell County Board of Alcoholic Control may direct. For his services in this capacity, the dog warden shall receive only such compensation, if any, as the County Board of Alcoholic Control, in its discretion, may fix.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1959.

H. B. 209 CHAPTER 98

AN ACT REWRITING SECTION 5 OF CHAPTER 265, SESSION LAWS OF 1949, SO AS TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CASWELL COUNTY TO FIX THE TIMES WHEN THE RECORDER'S COURT OF CASWELL COUNTY SHALL CONDUCT JURY TRIALS.

The General Assembly of North Carolina do enact:

Section 1. That Section 5 of Chapter 265, Session Laws of 1949, be and the same is hereby rewritten to read as follows:

"Sec. 5. The Board of County Commissioners of Caswell County shall, from time to time by resolution duly recorded in the minutes of said board, fix the terms of the Caswell County Recorder's Court at which jury trials will be conducted by said court."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1959.

H. B. 306 **CHAPTER 99**

AN ACT TO AMEND CHAPTER 72, SESSION LAWS OF 1943, BY LOCATING AND FIXING THE VOTING WARD BOUNDARIES FOR THE ELECTION OF MEMBERS TO THE HICKORY CITY BOARD OF EDUCATION AND PRESCRIBING THE PROCEDURE FOR SUCH ELECTIONS.

WHEREAS, Chapter 72 of the Session Laws of 1943 provides that the Hickory City Administrative School Unit be divided into six voting wards from each of which there shall be elected a member, therein designated a "Trustee", to the Hickory City Board of Education, as the said board is now named and styled by G. S. 115-27, and provides further for the election of a member, or trustee, at large by the voters of the entire unit; and

WHEREAS, the said Act designates the said school voting wards by identifying numbers and specifies in part that the numbered wards shall include the areas embraced in the like numbered wards of the City of Hickory, and further provides that elections for school trustees be held at the same times and places with the same election officials as the elections for city officials in the Hickory municipal elections; and

WHEREAS, there is currently before the North Carolina General Assembly a bill sponsored by the City Council of the City of Hickory which will change the numbers and areas of the city voting wards and make it imperative that the school voting wards be changed in conformity therewith: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Chapter 72 of the Session Laws of 1943 is hereby amended by striking out Sections 2 and 3 of said Chapter, and substituting in lieu thereof the following:

"Sec. 2. (a) Ward One. The boundaries of school ward number one shall include that part of the Hickory City Administrative School Unit which is embraced within ward number one of the City of Hickory and the area lying between the Hickory city limits and the perimeter of the Hickory City Administrative School Unit and between extensions of the western and southeastern boundary lines of ward number one of the City of Hickory as the said lines may be extended, located, fixed and published by the Hickory City Board of Education.

"Walter T. Nau, whose term of office expires on the 30th day of June, 1959, is now the trustee representing this ward, and at the time of the regular Hickory municipal election of 1959, his successor shall be elected by the qualified voters of ward number one to serve for a term of five years.

"(b) Ward Two. The boundaries of school ward number two shall include that part of the Hickory City Administrative School Unit which is embraced within ward number two of the City of Hickory and the area lying between the Hickory city limits and the perimeter of the Hickory City Administrative School Unit and between extensions of the northwestern

and southwestern boundary lines of ward number two of the City of Hickory as the said lines may be extended, located, fixed and published by the Hickory City Board of Education.

"Everette M. Eckard, whose term of office expires on the 30th day of June, 1962, is now the school trustee representing this ward, and at the time of the regular Hickory municipal election of 1962, his successor shall be elected by the qualified voters of ward number two to serve for a term of five years.

"(c) Ward Three. The boundaries of school ward number three shall include that part of the Hickory City Administrative School Unit which is embraced within ward number three of the City of Hickory and the area lying between the Hickory city limits and the perimeter of the Hickory City Administrative School Unit and between extensions of the eastern and western boundary lines of ward number three of the City of Hickory as the said lines may be extended, located, fixed and published by the Hickory City Board of Education.

"Charles H. Grove, whose term of office expires on the 30th day of June, 1962, is now the school trustee representing this ward, and at the time of the regular Hickory municipal election of 1962, his successor shall be elected by the qualified voters of ward number three to serve for a term of five years.

"(d) Ward Four. The boundaries of school ward number four shall include that part of the Hickory City Administrative School Unit which is embraced within ward number four of the City of Hickory and the area lying between the Hickory city limits and the perimeter of the Hickory City Administrative School Unit and between extensions of the eastern and western boundary lines of ward number four of the City of Hickory as the said lines may be extended, located, fixed and published by the Hickory City Board of Education.

"Theodore R. Brewer, whose term of office expires on the 30th day of June, 1961, is now the school trustee representing this ward, and at the time of the regular Hickory municipal election of 1961 his successor shall be elected by the qualified voters of ward number four to serve for a term of five years.

"(e) Ward Five. The boundaries of school ward number five shall include that part of the Hickory City Administrative School Unit which is embraced within ward number five of the City of Hickory and the area lying between the Hickory city limits and the perimeter of the Hickory City Administrative School Unit and between extensions of the southeastern and northeastern boundary lines of ward number five of the City of Hickory as the said lines may be extended, located, fixed and published by the Hickory City Board of Education.

"Clarence G. Howard, whose term of office expires on the 30th day of June, 1962, is now the school trustee representing this ward, and at the time of the regular Hickory municipal election of 1962 his successor shall be elected by the qualified voters of ward number five to serve for a term of five years.

"(f) Ward Six. The boundaries of school ward number six shall include that part of the Hickory City Administrative School Unit which is embraced within ward number six of the City of Hickory and the area lying between the Hickory city limits and the perimeter of the Hickory City Administrative School Unit and between extensions of the western and eastern boundary lines of ward number six of the City of Hickory as the said lines may be extended, located, fixed and published by the Hickory City Board of Education.

"E. M. Fennell, whose term of office expires on the 30th day of June, 1960, is now the school trustee representing this ward, and at the time of the regular Hickory municipal election of 1960 his successor shall be elected by the qualified voters of ward number six to serve for a term of five years.

"(g) Within 30 days following the effective date of this Act the Hickory City Board of Education shall cause to be published in a daily newspaper of general circulation in the City of Hickory a notice specifying the boundaries of the areas embraced within the school voting wards together with the designations thereof as hereinbefore provided, and the said notice shall be so published on three separate days prior to the close of the next ensuing voter registration period preceding the next election for a member or members of the Hickory City Board of Education. Notice of any subsequent changes in the boundaries of the school voting wards made pursuant to the authority herein contained shall likewise be so published.

"Sec. 3. J. Marvin Clay, whose term of office expires on the 30th day of June, 1963, is now the school trustee elected by the voters at large in the Hickory City Administrative School Unit, and at the time of the regular election of 1963 his successor shall be elected by the qualified voters of the entire administrative school unit to serve for a term of five years."

Sec. 2. Chapter 72 of the Session Laws of 1943 is further amended by adding at the end of Section 4 the following:

"The City Council of the City of Hickory is hereby empowered and authorized to order a new registration for any school voting ward or wards from time to time as it may deem necessary or advisable, the said registration to be effected and conducted in the same way and manner as registrations for the regular Hickory municipal elections."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1959.

H. B. 307 CHAPTER 100

AN ACT TO INCREASE THE NUMBER OF MEMBERS ON THE CHAPEL HILL CITY BOARD OF EDUCATION FROM SIX TO SEVEN.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 254 of the Session Laws of 1955 is hereby deleted and the following substituted in lieu thereof:

"Sec. 2. The present members of the Chapel Hill City Board of Education shall constitute the governing body of the Chapel Hill Administrative School Unit through June 30, 1959. Beginning on July 1, 1959, the board shall be composed of seven members, elected by the qualified voters as hereinafter specified. At the election on May 5, 1959, and at every third biennial election thereafter three members shall be elected for terms of six years to begin on July 1 following their election. At all other biennial elections two members shall be elected for six year terms, to begin on July 1 following their election. The four present members of the board whose terms extend beyond June 30, 1959, shall serve until the expiration of their respective present terms."

Sec. 2. This Act shall not invalidate any notice of election, notice to candidates, or notice of registration and challenge procedures heretofore given preliminary to the May 5, 1959, election, except insofar as such notice specified that only two persons are to be elected to the board. The Orange County Board of Elections shall cause to be published once each week for two weeks following ratification of this Act, in some newspaper of general circulation in the Chapel Hill Administrative School Unit and the Carrboro School Attendance Area, a notice that three persons, rather than two, are to be elected to the board at the May 5, 1959, election. Such notice may be published separately or combined with any other notice published by the board; and in either event such notice shall be conclusively presumed to be sufficient notice of the fact that three persons will be elected to the board.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1959.

S. B. 9 **CHAPTER 101**

AN ACT CHANGING THE NAME OF "THE WEST ROCKINGHAM CITIES ADMINISTRATIVE SCHOOL UNIT" TO THE "MADISON-MAYODAN CITY ADMINISTRATIVE UNIT"; PROVIDING FOR THE NOMINATION AND ELECTION OF MEMBERS OF THE MADISON-MAYODAN CITY BOARD OF EDUCATION; FIXING THE TERMS OF OFFICE OF MEMBERS; AND PROVIDING FOR FILLING VACANCIES IN THE MEMBERSHIP OF SAID BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That the name of the administrative school unit created by Chapter 1197, Session Laws of 1957, shall be and the same is hereby changed from "The West Rockingham Cities Administrative School Unit" to the "Madison-Mayodan City Administrative Unit."

Sec. 2. (a) That in the primary election to be held in Rockingham County in 1960, two candidates residing in Mayodan and two candidates residing in said administrative unit at large shall be nominated in a nonpartisan primary to succeed the member from Mayodan and the member from the district at large whose terms of office expire in 1961. In the primary election of 1962 two candidates shall be nominated in a nonpartisan primary to succeed the member at large whose term expires in 1963. In a nonpartisan primary to be held in 1964 two candidates residing in Madison shall be nominated to succeed the member of said board from Madison and two candidates to succeed the member of said board from the unit at large whose terms expire in 1965.

In filing notice of candidacy, each candidate shall indicate in his notice the area which he wishes to represent on said board of education. The Rockingham County Board of Elections is hereby authorized and directed to conduct a nonpartisan primary for the nomination of members of the Madison-Mayodan City Board of Education biennially at the same time candidates for county offices are nominated and the ballots shall carry detailed instructions as to the number of candidates for whom each elector will be entitled to vote. In said primary election every duly qualified elector residing within said administrative school unit whether registered as a Democrat, as a Republican or as an Independent shall be entitled to vote in such nonpartisan primary.

Sec. 2. (b) In the general election of 1960 and biennially thereafter there shall be chosen by the qualified electors of the Madison-Mayodan Administrative Unit, and from the candidates nominated in the nonpartisan primary provided for in this Act, the members of the Madison-Mayodan City Board of Education to succeed the members whose terms next expire. The terms of office of members of said board of education so elected shall begin on January 2 following their election, and the terms of office of the present members of said board of education shall expire on January 2 of the years following the years originally designated for their expiration instead of at the time their successors were to be appointed by the General Assembly.

Sec. 3. When a vacancy shall occur in the membership of said city board of education by death, resignation or otherwise except by expiration of the term, a successor shall be nominated for the remainder of the unexpired term by the remaining members of said board; and such nominee shall be appointed by the Rockingham County Board of Commissioners. Each member nominated and appointed to serve an unexpired term on said board of education shall conform to the same residence requirements as the person whose unexpired term he is appointed to fill.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1959.

H. B. 112 CHAPTER 102

AN ACT TO AMEND G. S. 62-121.47 RELATING TO EXEMPTIONS FROM THE BUS ACT OF 1949.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-121.47 (1) is hereby amended by inserting immediately following the word "subsection" and immediately preceding the comma in line two of the second paragraph thereof the following: "in the manner provided in this Article".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1959.

H. B. 164 CHAPTER 103

AN ACT APPOINTING MEMBERS OF THE TAX EQUALIZATION BOARD FOR MADISON COUNTY, FIXING THEIR TERMS OF OFFICE AND MEETING DATES.

The General Assembly of North Carolina do enact:

Section 1. That the terms of office of the members of the Tax Equalization Board for Madison County, appointed by Chapter 117, Session Laws of 1957, shall terminate upon the ratification of this Act. Talmadge Franklin, Oren Rice and Coy B. Morgan are hereby appointed members of said Tax Equalization Board for the term of four years each and until their successors shall be duly elected and qualified. Said persons shall constitute the Tax Equalization Board for Madison County and shall perform all the duties of said board set out in Chapter 512, Session Laws of 1955. Their successors shall be appointed by the General Assembly of 1963, but any vacancy in the membership of said board arising by reason of death, resignation, refusal to serve or for any other reason shall be

filled for the remainder of the unexpired term by appointment of the remaining members of said Tax Equalization Board. Said board shall hold regular meetings on the first Monday, Tuesday and Wednesday in April of each year and on the first Monday, Tuesday and Wednesday in December of each year. Each member shall receive for his services the compensation fixed by Section 3 of Chapter 512, Session Laws of 1955 for the regular meetings herein specified, but shall receive no compensation for any called meetings of said board that may be held.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1959.

H. B. 225 CHAPTER 104

AN ACT TO AMEND G. S. 105-287 RELATING TO LISTING AND ASSESSMENT OF TAXES IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-287, as the same is found in the 1958 Replacement Volume 2C of the General Statutes, is hereby amended by adding at the end thereof a new sentence to read as follows:

"Provided that in Henderson County all taxes shall be listed at the county courthouse; and in lieu of the other provisions of this Section relating to the appointment and number of tax listers and assessors, in Henderson County, the tax supervisor shall, subject to the approval of the county commissioners, appoint only so many tax listers and assessors as are reasonably necessary to effect the listing and assessment of taxes in Henderson County, without regard to the number of townships therein."

Sec. 2. This Act shall apply only to Henderson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1959.

H. B. 235 CHAPTER 105

AN ACT AMENDING CHAPTER 1104, SESSION LAWS OF 1955, AS AMENDED BY CHAPTER 1383, SESSION LAWS OF 1957, SO AS TO REMOVE MACON COUNTY FROM THE PROVISIONS OF SAID ACT.

The General Assembly of North Carolina do enact:

Section 1. That Section 2½ of Chapter 1104, Session Laws of 1955, as amended by Chapter 1383, Session Laws of 1957, be and the same is hereby amended by deleting the word "Macon" appearing in line 2 thereof between the words "Lenoir" and "Northampton".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1959.

H. B. 251 CHAPTER 106

AN ACT TO DIVIDE THE CITY OF HICKORY INTO SIX WARDS AND TO PROVIDE FOR NEW REGISTRATION.

The General Assembly of North Carolina do enact:

Section 1. The City of Hickory shall be divided into six (6) Wards as follows:

Ward 1: BEGINNING at a point in the intersection of the center line of 2nd Avenue, northwest and the center line of 2nd Street, northwest, and running thence North with the center line of 2nd Street, northwest to the center line of 5th Avenue, northwest; thence East with the center line of 5th Avenue, northwest to the center line of 1st Street, northwest; thence North with the center line of 1st Street, northwest to the center line of 8th Avenue, northwest; thence West with the center line of 8th Avenue, northwest to the center line of 2nd Street, northwest; thence North with the center line of 2nd Street, northwest to the center line of 9th Avenue, northwest; thence West with the center line of 9th Avenue, northwest to the center line of 4th Street Drive, northwest; thence North with the center line of 4th Street Drive, northwest and its proposed extension in a northern direction to the center line of 15th Avenue, northwest; thence North with the center line of 1st Street, northwest to the center line of 16th Avenue, northwest; thence in a northerly direction to the intersection of the center line of 17th Avenue and the center line of 2nd Street, northwest; thence North with the center line of 2nd Street, northwest in a northwestern direction to the corporate limits of the City of Hickory; thence with the corporate limits of the City of Hickory in an eastern and southeastern direction to the center line of 10th Street, northeast, at the National Guard Armory; thence South with the center line of 10th Street, northeast to the center line of 13th Avenue, northeast; thence West with the center line of 13th Avenue, northeast to the center line of 8th Street, northeast; thence southwest with the center line of 8th Street, northeast to the intersection of the center line of 12th Avenue, northeast; thence northwest with the center line of 12th Avenue, northeast to the intersection of the center line of 7th Street, northeast; thence southwest with the center line of 7th Street, northeast to the center line of 9th Avenue, northeast; thence northwest with the center line of 9th Avenue, northeast to the center line of 6th Street, northeast; thence southwest with the center line of 6th Street, northeast to the center line of 7th Avenue, northeast; thence northwest with the center line of 7th Avenue, northeast to the center line of 5th Avenue Place, northeast; thence southwest with the center line of 5th Avenue

Place, northeast to the center line of 5th Avenue, northeast; thence West with the center line of 5th Avenue, northeast to the center line of 3rd Street, northeast; thence South with the center line of 3rd Street, northeast to the center line of 4th Avenue, northeast; thence West with the center line of 4th Avenue, northeast to the center line of 2nd Street, northeast; thence South with the center line of 2nd Street, northeast to the center line of 2nd Avenue, northeast; thence West with the center line of 2nd Avenue, northeast/northwest to the center line of 2nd Street, northwest, to the point of BEGINNING.

Ward 2: BEGINNING at the intersection of the center line of 2nd Street, northeast and of the center line of 2nd Avenue, northeast, and running thence North with the center line of 2nd Street, northeast to the center line of 4th Avenue, northeast; thence East with the center line of 4th Avenue, northeast to the center line of 3rd Street, northeast; thence North with the center line of 3rd Street, northeast to the center line of 5th Avenue, northeast; thence East with the center line of 5th Avenue, northeast to the center line of 5th Avenue Place, northeast; thence northeast with the center line of 5th Avenue Place, northeast to the center line of 7th Avenue, northeast; thence southeast with the center line of 7th Avenue, northeast to the center line of 6th Street, northeast; thence northeast with the center line of 6th Street, northeast to the center line of 9th Avenue, northeast; thence southeast with the center line of 9th Avenue, northeast to the center line of 7th Street, northeast; thence northeast with the center line of 7th Street, northeast to the center line of 12th Avenue, northeast; thence southeast with the center line of 12th Avenue, northeast to the center line of 8th Street, northeast; thence northeast with the center line of 8th Street, northeast to the center line of 13th Avenue, northeast; thence East with the center line of 13th Avenue, northeast to the center line of 10th Street, northeast; thence North with the center line of the extension of 10th Street, northeast to the corporate limits of the City of Hickory; thence with the corporate limits of the City of Hickory in a southeastern, southern and southwestern direction to the intersection of the center line of 8th Street Drive, southeast; thence northwest with the center line of 8th Street Drive, southeast to the center line of 1st Avenue, southeast; thence North with the center line of 8th Street, southeast to the center line of "E" Avenue, southeast; thence northwest with the present ward line between Ward 4 and 5 (present ward designation) to the intersection of the center line of 5th Avenue, northeast and the center line of Main Avenue, northeast; thence southwest with the center line of Main Avenue, northeast to the center line of 4th Street, northeast; thence North with the center line of 4th Street, northeast to the center line of 2nd Avenue, northeast; thence West with the center line of 2nd Avenue, northeast to the center line of 2nd Street, northeast, the point of BEGINNING.

Ward 3: BEGINNING at a point in the intersection of the center line of 2nd Street, northwest and the center line of 2nd Avenue, northwest, and running thence East with the center line of 2nd Avenue, northwest/northeast to the center line of 4th Street, northeast; thence South with

the center line of 4th Street, northeast to the center line of Main Avenue, northeast; thence northeast with the center line of Main Avenue, northeast to the center line of 5th Avenue, northeast; thence southeast with the present ward line between Ward 4 and 5 (present ward designation) to the center line of "E" Avenue, southeast; thence southeast with the center line of 8th Street, southeast to the center line of 1st Avenue, southeast; thence South to the center line of 8th Street Drive, southeast; thence southwest with the center line of 8th Street Drive, southeast to the corporate limits of the City of Hickory; thence with the corporate limits of the City of Hickory in a southeastern and southwestern direction to a point, said point being located approximately 500 feet southwest from the intersection of the center lines of 4th Street, southwest and U. S. Highways Nos. 64 and 70; and runs thence northeast to the intersections of 4th Street, southwest and U. S. Highways Nos. 64 and 70; thence northwest with the center line of 4th Street, southwest to the center line of 8th Avenue Drive, southwest; thence northeast with the center line of 8th Avenue Drive, southwest to the center line of 1st Street, southwest; thence North with the center line of 1st Street, southwest to the center line of Main Avenue, northwest; thence West with the center line of Main Avenue, northwest to the center line of 2nd Street, northwest; thence North with the center line of 2nd Street, northwest to the center line of 2nd Avenue, northwest, the point of BEGINNING.

Ward 4: BEGINNING at a point in the intersection of the center line of 3rd Avenue, northwest and the center line of 2nd Street, northwest, and running South with the center line of 2nd Street, northwest to the center line of Main Avenue, northwest; thence East with the center line of Main Avenue, northwest to the center line of 1st Street, southwest extended; thence South with the center line of 1st Street Extension, southwest and 1st Street, southwest to the center line of 8th Avenue Drive, southwest; thence southwest with the center line of 8th Avenue Drive, southwest to the center line of 4th Street, southwest; thence southeast with the center line of 4th Street, southwest to the center line of U. S. Highways Nos. 64 and 70; thence in a southwestern direction approximately 500 feet to the corporate limits of the City of Hickory; thence with the corporate limits of the City of Hickory in a northwestern and western direction to the center line of U. S. Highway No. 64 and the center line of 12th Street, southwest; thence North with the center line of 12th Street, southwest to the center line of 1st Avenue, southwest; thence East with the center line of 1st Avenue, southwest to the center line of 6th Street, southwest; thence North with the center line of 6th Street, southwest and the proposed 6th Street, northwest to the center line of 1st Avenue, northwest; thence East with the center line of 1st Avenue, northwest to the center line of 4th Street, northwest; thence North with the center line of 4th Street, northwest to the center line of 3rd Avenue, northwest; thence East with the center line of 3rd Avenue, northwest to the center line of 4th Street, northwest, the point of BEGINNING.

Ward 5: BEGINNING at the intersection of the center line of 3rd Avenue, northwest and the center line of 4th Street, northwest, and run-

ning thence South with the center line of 4th Street, northwest to the center line of 1st Avenue, northwest; thence West with the center line of 1st Avenue, northwest to the center line of 6th Street, northwest; thence South with the center line of proposed 6th Street, northwest and the center line of 6th Street, southwest to the center line of 1st Avenue, southwest; thence West with the center line of 1st Avenue, southwest to the center line of 12th Street, southwest; thence South with the center line of 12th Street, southwest extended in a southerly direction to the corporate limits of the City of Hickory; thence with the corporate limits of the City of Hickory in a western and northern direction to a point approximately 450 feet southeast of the intersection of the center line of the Lenoir Road and the center line of U. S. Highway No. 321 Bypass; thence southeast with the center line of the Lenoir Road to the center line of 7th Avenue, northwest; thence East with the center line of 7th Avenue, northwest to a point, said point being located 429 feet East of the intersection of the center line of 10th Street Boulevard, northwest and the center line of 7th Avenue, northwest; thence southeast to a point in the center line of 4th Avenue Drive, northwest, said point being located in front of House No. 1095—4th Avenue Drive, northwest; thence southeast with the center line of 4th Avenue Drive, northwest to the center line of 7th Street, northwest; thence South with the center line of 7th Street, northwest to the center line of 3rd Avenue, northwest; thence East with the center line of 3rd Avenue, northwest to the center line of 4th Street, northwest, the point of BEGINNING.

Ward 6: BEGINNING at the intersection of the center line of 2nd Street, northwest and the center line of 3rd Avenue, northwest, and running thence West with the center line of 3rd Avenue, northwest to the center line of 7th Street, northwest; thence North with the center line of 7th Street, northwest to the center line of 4th Avenue Drive, northwest; thence northwest with the center line of 4th Avenue Drive, northwest to a point in the center line of 4th Avenue Drive, northwest, said point being located in front of House No. 1095—4th Avenue Drive, northwest; thence northwest to a point in the center line of 7th Avenue, northwest, said point being located 429 feet East from the intersection of the center line of 10th Street Boulevard, northwest and the center line of 7th Avenue, northwest; thence West with the center line of 7th Avenue, northwest to the center line of the Lenoir Road; thence northwest with the center line of the Lenoir Road in a northwestern direction to the corporate limits of the City of Hickory; thence with the corporate limits of the City of Hickory in an eastern direction to the center line of 2nd Street, northwest; thence southeast with the center line of 2nd Street, northwest to the center line of 17th Avenue, northwest; thence southeast with the present ward lines between Wards Nos. 2 and 3 (present ward designation) to the center line of 16th Avenue, northwest; thence South with the center line of 1st Street, northwest to the center line of 15th Avenue, northwest; thence South with the center line of 4th Street Drive, northwest extension and the center line of 4th Street Drive, northwest to the center line of 9th Avenue, northwest; thence East with the center line of 9th Avenue, north-

west to the center line of 2nd Street, northwest; thence South with the center line of 2nd Street, northwest to the center line of 8th Avenue, northwest; thence East with the center line of 8th Avenue, northwest to the center line of 1st Street, northwest; thence South with the center line of 1st Street, northwest to the center line of 5th Avenue, northwest; thence West with the center line of 5th Avenue, northwest to the center line of 2nd Street, northwest; thence South with the center line of 2nd Street, northwest to the center line of 3rd Avenue, northwest, the point of BEGINNING.

Sec. 2. Any member of the city council who becomes domiciled in a different ward as a result of the relocation of the ward boundaries shall continue to represent the ward from which he was elected until the expiration of the term for which he was elected.

Sec. 3. The city council shall have the power from time to time to order a new registration for any ward by giving public notice thereof by posting a notice in a newspaper published within the City of Hickory, or, in the event there is no newspaper published within the city, by posting such notice at three (3) public places, for twenty (20) days prior to the beginning of the registration period.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1959.

H. B. 286 CHAPTER 107

AN ACT TO AMEND CHAPTER 67 OF THE PUBLIC-LOCAL LAWS OF 1937 RELATING TO THE ELECTION OF COMMISSIONERS FOR THE CITY OF ROANOKE RAPIDS.

The General Assembly of North Carolina do enact:

Section 1. Section 7 of Chapter 53 of the Private Laws of 1931, Section 1 of Chapter 134 of the Private Laws of 1931, Chapter 186 of the Session Laws of 1947, Chapter 197 of the Session Laws of 1955, and Chapter 275 of the Session Laws of 1955 are hereby repealed.

Sec. 2. Section 5 of Chapter 67 of the Public-Local Laws of 1937 is hereby rewritten to read as follows:

"The territory comprised within the corporate limits of the City of Roanoke Rapids is hereby laid off into two wards, as follows: The East Ward shall be comprised of all territory of the said city lying on the East side of the center line of Roanoke Avenue as extended by U. S. Highway 158 and N. C. Highway 48, to the southern boundaries of the corporate limits of said city; the West Ward shall be comprised of all territory of said city lying on the West side of the center line of Roanoke Avenue as extended by U. S. Highway 158 and N. C. Highway 48 to the southern boundaries of the corporate limits of said city. For the purpose of elections the City of Roanoke Rapids shall be divided into such precincts as the

board of commissioners shall create; provided, that said board of commissioners shall make the voting places and the boundaries of said precincts conform as nearly as practicable to those designated and prescribed by the general law for the election of State and county officers."

Sec. 3. Section 6 of Chapter 67 of the Public-Local Laws of 1937 is hereby amended as follows: By striking from said Section the last sentence thereof beginning with the word "The" on line 6 and ending with the word "provided" on line 8 and substituting in lieu thereof the sentence: "The mayor shall be elected from the city at large as is now by law provided, and the commissioners shall be elected as hereinafter provided."

Sec. 4. Section 6 of Chapter 67 of the Public-Local Laws of 1937 shall be amended as follows, by inserting a second paragraph which shall read as follows:

"That at the general municipal election to be held on the first Tuesday after the first Monday in May 1959, there shall be elected by the registered voters of the City of Roanoke Rapids a mayor and six commissioners, three of whom shall come from the East Ward and three of whom shall come from the West Ward as defined in Section 2 of this Act. The mayor and all commissioners shall be elected for a term of two years and shall be voted upon by the qualified voters of the city at large. No person shall be entitled to vote in such election unless, in addition to his qualifications as a voter in State and county elections under the general law, he has resided within the corporate limits of the City of Roanoke Rapids for four months immediately preceding said election. The officers so elected shall qualify and be inducted into office on the first Monday in June following their election and shall continue in office for their respective terms as hereinbefore provided and until their successors have been duly elected and qualified. The terms of office of the mayor and all commissioners heretofore elected for the City of Roanoke Rapids shall expire upon the election and qualification of the mayor and six commissioners elected in accordance with the provisions of this Act."

Sec. 5. Section 6 of Chapter 67 of the Public-Local Laws of 1937 shall be amended by adding a third paragraph to read as follows:

"That there shall be submitted to the qualified voters of the City of Roanoke Rapids at the 1959 general municipal election two questions:

(1) FOR the election of five commissioners to come from and be voted upon by the City of Roanoke Rapids at large;

(2) FOR the election of five commissioners to come from five wards, but all of whom shall be voted upon by the City of Roanoke Rapids at large.

At the general municipal election of 1961, and at each general municipal election thereafter, the City of Roanoke Rapids shall elect a mayor and five commissioners. The mayor shall come from and be elected by the city at large and the commissioners shall be elected in accordance with whichever of the above proposals is favored by a majority of the voters in the general municipal election of 1959. Should proposal number two (2) be favored by a majority of the voters, the five wards referred to therein would be described as follows:

(a) Ward No. One shall include all of the territory within the corporate limits of the City of Roanoke Rapids lying to the West of the center line of Roanoke Avenue and to the North of the center line of Eighth Street;

(b) Ward No. Two shall include all of the territory within the corporate limits of the City of Roanoke Rapids lying to the East of the center line of Roanoke Avenue and to the North of the center line of Eighth Street;

(c) Ward No. Three shall include all of the territory within the corporate limits of the City of Roanoke Rapids lying to the West of the center line of Roanoke Avenue, to the South of the center line of Eighth Street and to the North of the main line of the Seaboard Airline Railway tracks;

(d) Ward No. Four shall include all territory within the corporate limits of the City of Roanoke Rapids lying to the East of the center line of Roanoke Avenue, to the South of the center line of Eighth Street and to the North of the main line of the Seaboard Airline Railway tracks;

(e) Ward No. Five shall include all territory within the corporate limits of the City of Roanoke Rapids lying to the South of the main line of the Seaboard Airline Railway tracks."

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1959.

H. B. 293 CHAPTER 108

AN ACT TO PROVIDE FOR ELECTIONS IN THE TOWNS OF LEAKSVILLE AND SPRAY ON THE CONSOLIDATION OF SAID TOWNS AND SUBJECT TO SAID ELECTIONS TO PROVIDE A CHARTER OF INCORPORATION FOR THE CITY OF LEAKSVILLE-SPRAY IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The governing bodies of the Towns of Leaksville and Spray in Rockingham County are hereby authorized and directed to submit to the voters of each town at the special municipal elections to be held in each town on Tuesday, March 31, 1959, the question of consolidation of said towns into one city.

Each of said governing bodies shall give ten days' notice that said question will be submitted to the voters at said special elections. Such notice shall be by publication in a newspaper or newspapers having general circulation in said towns and by posting thereof in three public places in each town.

At said elections, each voter shall be provided with a ballot on which shall be plainly printed the words "FOR CONSOLIDATION" and the

words "AGAINST CONSOLIDATION", together with appropriate instructions for making the ballot.

If the majority of the votes cast in either town voting separately is against consolidation, this Act shall become void.

If the majority of the votes cast in each town voting separately is for consolidation, the Charter of Incorporation of the City of Leaksville-Spray, set forth in Section 2 of this Act, shall become effective at 12:00 o'clock noon, on the first day of June, 1959, and on said date and at said time the original charters of the Towns of Leaksville and Spray, together with all amendments thereto, shall be repealed and the City of Leaksville-Spray shall succeed to the rights, duties, powers and obligations of the Towns of Leaksville and Spray.

In the event the results of the elections hereinbefore provided for are for consolidation, the following provisions shall apply:

(1) The governing bodies of the Towns of Leaksville and Spray in Rockingham County are hereby authorized and directed to call a special municipal election for the consolidated City of Leaksville-Spray to be held on May 5, 1959.

Any person qualified to run as a candidate for mayor or membership on the council of the City of Leaksville-Spray shall file as a candidate for such office by 5:00 o'clock P. M. of the second Monday immediately preceeding the date of election and shall pay a filing fee of five dollars ($5.00) to be paid in two equal parts of two dollars and fifty cents ($2.50) each to the Town of Leaksville and to the Town of Spray. Any candidate for any office shall file said notice with and pay said filing fee to the city clerk of both the Town of Leaksville and the Town of Spray. The notice of candidacy shall be substantially in the following form:

"I, ..., do hereby give notice that I reside at ..... in Ward
(street address)
....., of the proposed City of Leaksville-Spray; that I am a candidate for election to the office of Councilman from Ward..... (or to the office of Mayor) to be voted upon at the election to be held on Tuesday, May ....., 19....., and I hereby request that my name be printed upon the official ballot as a candidate for election to said office.

.....
(Signature of Candidate)

Signed before me and filed this
.....day of....., 19.....
....."

City Clerk

A notice of location of wards in the proposed City of Leaksville-Spray shall be given by publication in a newspaper or newspapers having general circulation in said towns and by posting thereof in three public places in each town for a period of ten days prior to the final filing date for the beforementioned special municipal election.

No new registration will be required for the special election. The existing registrations for the existing Towns of Leaksville and Spray shall be in effect, and voting shall be conducted at the existing polling places.

A new registration shall be required prior to the regular municipal election to be held on Tuesday after the first Monday of May 1961.

The governing body of the City of Leaksville-Spray shall be composed of a council and five members which shall be sworn into office at 12:00 o'clock noon on June 1, 1959.

(2) At its first meeting on June 1, 1959, the governing body of the City of Leaksville-Spray shall adopt the Code of Ordinances of the Town of Leaksville as the Code of Ordinances for the government of the City of Leaksville-Spray which shall supersede and replace the ordinances of the Towns of Leaksville and Spray.

The zoning ordinance of Leaksville shall remain in full force and effect in the territory to which it applies on May 31, 1959 until changed, amended, supplemented or repealed by the governing body of the City of Leaksville-Spray.

Sec. 2. CHARTER OF INCORPORATION OF THE CITY OF LEAKSVILLE-SPRAY.

ARTICLE I. GENERAL

Section 1. BODY CORPORATE. The inhabitants of the City of Leaksville-Spray, within the boundaries established in this charter or as hereafter lawfully established, shall be a municipal body politic and corporate in perpetuity, under the name "City of Leaksville-Spray."

Sec. 2. CORPORATE LIMITS. The boundaries of the city shall be as follows until lawfully changed:

"BEGINNING at a point at the intersection of the present Leaksville City limit line with the present Spray Sanitary District line, said point being at the angle point formed by the intersection of the present Leaksville City limit line as it parallels Highland Drive, 400 feet eastwardly therefrom and said point being also 800 feet, more or less, in a northwardly direction from a concrete monument in the present Leaksville City limit line, said monument being about 400 feet eastwardly from Highland Drive in line with 'A' Street projected eastwardly; thence with the present eastern corporation boundary of the Town of Leaksville, approximately South 8 degrees 20 minutes East and parallel with the long tangent of Highland Drive, 400 feet eastwardly therefrom to a point at intersection, the center of a road forming the dividing line between Tract 'C' (now property of Mr. and Mrs. Homer E. Wright, Jr.) and Tract 'D' (now Mrs. Lucy Wilson Caudle) of the J. S. Wilson Estate; thence with center of said road, now being the line between Homer E. Wright, Jr., and Mrs. Caudle, North 87 degrees 45 minutes East approximately 236 feet to the northeast corner of Lot 18E of the Highland Park Subdivision; thence South 9 degrees 18 minutes East 597.16 feet to an iron in East line of Lot 13E; thence continuing with East line of said subdivision, South 8 degrees 56 minutes East about 725 feet to a point where the present East line of incorporation of the Town of Leaksville intersects the East line of Lot 5E of Highland Park Subdivision at 400 feet East of the East line of Highland Drive;

thence in a southeasterly and curving to a southwesterly direction, paralleling Highland Drive at 400 feet therefrom to a point at low water line on the East bank of Dan River; thence up and with the East bank of Dan River, as it curves back in a southwesterly direction, passing under bridge on Highway No. 87 and continuing with the low water line along the northwest bank of Dan River to the mouth of Matrimony Creek; thence up and with the center of run of Matrimony Creek, passing under bridge on Highway No. 770, and continuing up center lines of Matrimony Creek, crossing over Kings Mill Pond Dam and under bridge on the Leaksville-Price Road and continuing up center line of said Matrimony Creek to the mouth of Boiling Springs Branch; thence in a northeasterly direction up and with the center of run of Boiling Springs Branch in a northeasterly direction to junction with Spence Spring Branch; thence continuing with center of run of Boiling Springs Branch to its head; thence in a northeasterly direction to a marker located on East side of Oakland Avenue in the Dunn-C. H. Robertson homeplace front yard; thence at right angles to Oakland Avenue, 400 feet to concrete marker; thence southeastwardly and parallel to Oakland Avenue to the line of Fourth Street in the Oakland-Dunn property line; thence with South side of Fourth Street, through the Oakland Subdivision, crossing Union, Bryant and Hamilton Streets, and projected eastwardly to junction with the present Town of Spray corporate line; thence with said Town of Spray corporate line in a northerly direction paralleling Hamilton Street at 250 feet East therefrom about 2900 feet to the center line of Kendell Street; thence with the center line of said street in a westwardly direction about 100 feet to a point in Kendell Street, said point being about 150 feet eastwardly from the center line of Hamilton Street and running thence in a northwardly direction and parellel with the center line of Hamilton Street at a distance of 150 feet therefrom, crossing Morgan Ford Road, 3800 feet, more or less, to a point in the present Spray Sanitary District line, said point being 300 feet, more or less, in a northern direction from the center line of Morgan Ford Road, and continuing with the present Spray Sanitary District line about North 45 degrees East 200 feet, more or less, to a point; thence southeasterly and paralleling Morgan Ford Road (and being 420 feet from the center line of same) 2000 feet, more or less, to a point in line with the Mineral Spring Branch; thence with said branch as it runs to Smith River and crossing said river to the northeast bank 1500 feet, more or less, to a point; thence down along the North bank of said river in an eastwardly direction 2500 feet, more or less, to an ash tree (old Strong corner) near the northeast bank of Smith River; thence northeastwardly about 360 feet to an iron pipe, corner of old Bateman (now North Spray Subdivision) tract; thence North 14 degrees 54 minutes East 1468.5 feet to a white oak; thence North 87 degrees 37 minutes East with line of North Spray Subdivision, 471.4 feet; thence South 19 degrees East 643 feet with said subdivision; thence South 23 degrees 30 minutes West 856 feet with said subdivision; thence North 81 degrees 09 minutes East about 300 feet to a point in the present Spray Sanitary District line, said point being 600 feet, more or less, in a westwardly direction from Summit Road, running thence approximately

parallel with Summit Road about North 52 degrees East 1600 feet, more or less, to a point; thence about South 78 degrees East 750 feet, more or less to a point; thence about North 82 degrees East 450 feet, more or less, to a point; thence about North 55 degrees East 400 feet, more or less, to a point; thence about South 35 degrees East crossing N. C. Highway No. 107, at approximately 425 feet and at a point approximately 400 feet northeast of the intersection of Summit Road and Cascade Road and running a total distance on same bearing of 850 feet, more or less, to a point approximately 425 feet southeast from the center line of N. C. Highway No. 107, and running thence approximately parallel with Cascade Road and 400 feet eastwardly therefrom, about South 55 degrees West 200 feet, more or less, to a point; thence about South 42 degrees West 1300 feet, more or less, to a point; thence South 22 degrees West 750 feet, more or less, to a point; thence about South 10 degrees West 2000 feet, more or less, to the southern edge of the right of way of the Danville and Western Railway, said point being approximately 400 feet eastwardly from the intersection of the old D. F. King and Spray Water Power & Land Company line with said Danville & Western Railway; thence with the southern edge of said right of way in a westwardly direction approximately 2500 feet to a point in the present Spray Sanitary District line on East side of Smith River, located near the trestle (D&W) crossing Smith River and 30 feet East of the high water line of said Smith River; thence down East side of Smith River and 30 feet eastwardly from its high water line, passing under highway bridge on N. C. Route No. 700, and continuing to a point, the said point being North 78 degrees 20 minutes East approximately 1050 feet from the angle point in the Leaksville corporate line produced by the angle of Highland Drive; thence South 78 degrees 20 minutes West approximately 1050 feet, crossing Smith River to said angle point in Leaksville corporate line, the point of beginning."

Sec. 3. GOVERNING BODY. The qualified voters of the city shall elect, in the manner prescribed in Article II of this charter, a mayor and a council of five members. The mayor and council shall constitute the governing body which shall have power to provide for the government of the city by such ordinances, bylaws, rules and regulations as may be deemed necessary, not inconsistent with the laws of the land.

Sec. 4. POWERS. The city shall have and may exercise all powers now and hereafter granted to cities in general and to the City of Leaksville-Spray in particular by the constitution and laws, both general and special or local, of North Carolina. The following enumeration of powers shall not limit the foregoing sentence but shall constitute a part of the powers conferred:

A. To levy and collect all taxes authorized by law to borrow money within the limitations of the Constitution and general law of the State; and to levy and collect special assessments for benefits conferred pursuant to general law.

B. To furnish all local public services; to purchase, hire, construct, own and operate local public utilities within and without the corporate limits;

and to grant local public utility franchises and regulate the exercise thereof.

C. To organize and administer public libraries and recreational facilities, subject to the constitution and laws of the State.

D. To adopt and enforce local police, sanitary, fire, building, traffic and other like regulations not inconsistent with the Constitution and laws of the State.

ARTICLE II. ELECTIONS

Section 1. WARDS. For the purpose of holding city elections, the City of Leaksville-Spray is hereby divided into five wards as follows:

Ward No. 1. Starting at the Meadow Road Bridge over the Smith River at the City Limits the southern line of Ward No. 1 follows the center line of Meadow Road in a northwesterly direction to the intersection of Warehouse Street and Meadow Road; it then runs in a northerly direction following the center line of Warehouse Street to Carolina Street; thence in a northerly direction following the center line of Carolina Street to Morgan Ford Road; thence in a northerly direction following the center line of Morgan Ford Road to the North City Limits. The ward line then follows the City Limits in an easterly and southerly direction back to the point of beginning at the Meadow Road Bridge over the Smith River.

Ward No. 2. Starting at the intersection of Morgan Ford Road and Carolina Street the line of Ward No. 2 follows the center line of Morgan Ford Road in a southwesterly direction to Water Street; it then runs in a westerly direction following the center line of Water Street to Park Road; thence in a northerly direction following the center line of Park Road to Davis Street; thence in a westerly direction and southerly direction following the center line of Davis Street as it changes direction to Spring Street; thence in a westerly direction following the center line of Spring Street to Primitive Street; thence in a southerly direction following the center line of Primitive Street to East Third Street; thence in a southwesterly direction following the center line of East Third Street to Tuttle Street; thence in a northerly and westerly direction following the center line of Tuttle Street to Hamilton Street; thence in a northerly direction following the center line of Hamilton Street to Fourth Street; thence in a westerly direction following the center line of Fourth Street to Union Street; thence in a southerly direction following the center line of Union Street to Oakland Avenue; thence in a northwesterly direction following the center line of Oakland Avenue to the City Limits; thence in a northerly direction and easterly direction following the City Limits to the center line of Morgan Ford Road; thence in a southerly direction following the center line of Morgan Ford Road to the point of beginning.

Ward No. 3. Starting at the Irving Avenue Bridge over Matrimony Creek at the City Limits on the West near Kings Mill Dam the line of Ward No. 3 follows the City Limits in a northerly direction up Matrimony Creek and a tributary to the center line of Oakland Avenue; it runs thence in a southeasterly direction following the center line of Oakland Avenue to Union Street; thence in a northerly direction following the center line of Union Street to Fourth Street; thence in an easterly direction following

the center line of Fourth Street to Hamilton Street; thence in a southerly direction following the center line of Hamilton Street to Tuttle Street; thence in an easterly direction and southerly direction following the center line of Tuttle Street as it changes direction to East Third Street; thence in a southwesterly direction following the center line of East Third Street to Hamilton Street; thence in a southerly direction following the center line of Hamilton Street to Bridge Street; thence in a southeasterly direction following the center line of Bridge Street to Oak Street; thence in an easterly direction following the center line of Oak Street to Greenwood Street; thence in a southeasterly direction following the center line of Greenwood Street to Spring Street; thence in a southwesterly direction following the center line of Spring Street to Bridge Street; thence in a southeasterly direction following the center line of Bridge Street to Church Street; thence in a southwesterly direction following the center line of Church Street to Henry Street; thence in a northwesterly direction following the center line of Henry Street to Church Street; thence in a southwesterly direction following the center line of Church Street to Patrick Street; thence in a northwesterly direction following the center line of Patrick Street to Spring Street; thence in a southwesterly direction following the center line of Spring Street to Hamilton Street; thence in a northwesterly direction following the center line of Hamilton Street to Center Church Road; thence in a westerly direction following the center line of Center Church Road to Irving Avenue; thence in a southwesterly direction following the center line of Irving Avenue to the City Limits at the Irving Avenue Bridge over Matrimony Creek.

Ward No. 4. Starting at the Hamilton Street Bridge over the Dan River at the southern City Limits the line of Ward No. 4 follows the southern City Limits in a westerly direction along the North bank of the Dan River to Matrimony Creek the ward line then turns in a northerly direction following the City Limits line along Matrimony Creek to the Irving Avenue Bridge over Matrimony Creek near Kings Mill Dam. At this point the ward line leaves the City Limits line and follows the center line of Irving Avenue in a northeasterly direction to Center Church Road; it then follows the center line of Center Church Road in an easterly direction to Hamilton Street. Thence in a southeasterly direction following the center line of Hamilton Street to Spring Street; thence in a northeasterly direction following the center line of Spring Street to Patrick Street; thence in a southeasterly direction following the center line of Patrick Street to Church Street; thence in a northeasterly direction following the center line of Church Street to Henry Street; thence in a southeasterly direction following the center line of Henry Street to Church Street; thence in a northeasterly direction following the center line of Church Street to Bridge Street; thence in a southeasterly direction following the center line of Bridge Street to Washington Street; thence in a southwesterly direction following the center line of Washington Street to Henry Street; thence in a southeasterly direction following the center line of Henry Street; thence in a southeasterly direction following the center line of Henry Street to Harris Street; thence in a southwesterly direction following the center line

of Harris Street to Hamilton Street; thence in a southeasterly direction following the center line of Hamilton Street to the City Limits at the Hamilton Street Bridge over the Dan River, this being the point of beginning.

Ward No. 5. Starting at the Meadow Road Bridge over the Smith River at the City Limits the northern line of Ward No. 5 follows the center line of Meadow Road in a northwesterly direction to Warehouse Street; thence in a northeasterly direction following the center line of Warehouse Street to Carolina Street; thence in a northerly direction following the center line of Carolina Street to Morgan Ford Road; thence in a southwesterly direction following the center line of Morgan Ford Road to Water Street; thence in a westerly direction following the center line of Water Street to Park Road; thence in a northerly direction following the center line of Park Road to Davis Street; thence in a westerly direction and southerly direction following the center line of Davis Street to Spring Street; thence in a westerly direction following the center line of Spring Street to Primitive Street; thence in a southerly direction following the center line of Primitive Street to Church Street; thence in a southwesterly direction following the center line of Church Street to Hamilton Street; thence in a southerly direction following the center line of Hamilton Street to Bridge Street; thence in a southeasterly direction following the center line of Bridge Street to Oak Street; thence in an easterly direction following the center line of Oak Street to Greenwood Street; thence in a southeasterly direction following the center line of Greenwood Street to Spring Street; thence in a southwesterly direction following the center line of Spring Street to Bridge Street; thence in a southeasterly direction following the center line of Bridge Street to Washington Street; thence in a southwesterly direction following the center line of Washington Street to Henry Street; thence in a southeasterly direction following the center line of Henry Street to Harris Street; thence in a southwesterly direction following the center line of Harris Street to Hamilton Street; thence in a southeasterly direction following the center line of Hamilton Street to the City Limits line at the Hamilton Street Bridge over the Dan River; thence in an easterly and northerly direction following the southern and eastern City Limits line as it meanders back to the point of beginning at Meadow Road Bridge over the Smith River.

Sec. 2. ELECTION MECHANICS. All elections of city officers held in the City of Leaksville-Spray shall be held pursuant to the applicable provisions of the General Statutes of North Carolina, except as may otherwise be prescribed in this charter. Under this charter, an election of city officers shall be held on Tuesday after the first Monday of May, 1961, and biennially thereafter.

Sec. 3. THE BALLOT. Each ballot shall contain the names of all candidates for the office of mayor and all candidates for the office of councilmen for the ward in which the candidate is a resident and from which he is seeking the office of councilman. Each ballot shall be marked as follows:

One vote shall be cast for a candidate for mayor; one vote shall be cast for a candidate for councilman in each ward. If not so marked, the ballot is voided.

Sec. 4. FILING AS A CANDIDATE. Any person qualified to run as a candidate for mayor or membership on the City Council of the City of Leaksville-Spray shall file as a candidate for such office by 5:00 o'clock P. M. of the fifth Monday immediately preceding the date of the election and shall pay a filing fee of five dollars ($5.00). Any candidate for any office shall file said notice of candidacy with, and pay said filing fee to, the city clerk. The notice of candidacy shall be substantially in the following form:

"I, ..., do hereby give notice that I reside at ..... in Ward....., (street address) of the City of Leaksville-Spray; that I am a candidate for election to the office of Councilman from Ward ..... (or to the office of Mayor) to be voted upon at the election to be held on Tuesday, May ....., 19....., and I hereby request that my name be printed upon the official ballot as a candidate for election to said office.

.....
(Signature of Candidate)

Signed before me and filed this
.....day of ....., 19.....
....."

City Clerk

ARTICLE III. THE MAYOR

Section 1. ELECTION, TERM, VACANCY. The mayor shall be a resident of the City of Leaksville-Spray and shall be elected by the qualified voters of the entire city at large. No candidate for the office of mayor shall be a candidate for membership on the city council. The mayor shall be elected for a term of two years which shall begin at 12:00 o'clock, noon, on the day following his election when he shall take the oath of office, and until his successor is duly elected and qualified. In case of a vacancy in the office of mayor, the members of the council shall choose from their own number his successor for the unexpired term.

Sec. 2. POWERS AND DUTIES. The mayor shall be the recognized head of the city government for all ceremonial purposes; by the courts for the serving of legal process; and by the Governor for purposes of martial law.

The mayor shall preside at meetings of the council, and shall not vote on any question before the council except in case of a tie vote deadlocking a decision by the council, in which case the mayor shall cast the tie-breaking vote.

As the acknowledged leader of the corporate community and as presiding officer of the council, the mayor shall exercise the leadership inherent in his office in the formulation of policies and the initiation of programs for the benefit of the people, and shall have no regular administrative duties.

Sec. 3. MAYOR PRO TEMPORE. In the event of absence or disability of the mayor, the member of the council appointed mayor pro tempore shall act as mayor during such absence or disability and shall have the same authority, exercise all powers, and perform such duties as are authorized or prescribed for the mayor.

ARTICLE IV. THE COUNCIL

Section 1. ELECTION, TERM, VACANCY. The city council shall consist of five members, one from each ward of the city. Each councilman shall be a resident of the ward he represents, but he shall be elected by all the qualified voters of the entire city at large. The members of the council shall be elected for a term of two years, which shall begin at 12:00 o'clock, noon, on the day following their election when they shall take the oath of office, and until their successors are duly elected and qualified. Any seat on the city council which becomes vacant shall be filled by appointment of a qualified voter from the ward said vacant seat represents, to be selected by a majority vote of the remaining members of the council.

Sec. 2. POWERS AND DUTIES. All the legislative powers of the city shall be exercised by the council. Every member of the council shall have the right to vote on any question coming before it. A majority shall constitute a quorum, and a majority vote of all members present shall be necessary to adopt any motion, resolution or ordinance.

The council shall from time to time establish rules for its proceedings. Regular and special meetings shall be held at a time and place fixed by ordinance. All legislative sessions shall be open to the public, and every matter put to a vote shall be duly recorded. A full and accurate journal of the proceedings shall be kept, and shall be open to the inspection of any qualified voter of the city. At its first meeting following an election, the council shall appoint one member to serve as mayor pro tempore.

The council shall appoint a city manager to serve at the will of the council and his duties shall be as prescribed in this charter. The council shall also appoint a clerk-treasurer and a city attorney to serve at the will of the council and whose duties may be prescribed by ordinance.

The compensation of the mayor, manager, clerk-treasurer and attorney may be fixed by the council at any time. The compensation of the councilmen may be fixed by the council by an ordinance to become effective in the next succeeding term of office.

The council shall have authority to determine policies, enact ordinances and resolutions, establish programs for the benefit of the people, and shall have no regular administrative duties.

ARTICLE V. THE MANAGER

Section 1. APPOINTMENT. The city manager shall be appointed by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of his office. At the time of his appointment he need not be a resident of the city, but during his tenure of office he shall reside within the city.

Sec. 2. POWERS AND DUTIES. The city manager shall be the executive officer and head of the administrative branch of the city government. He shall be responsible to the city council for the proper administration of all affairs of the city, and to that end, he shall:

A. See that within the city the laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed;

B. Attend all meetings of the council and recommend for adoption such measures as he shall deem expedient;

C. Make reports to the council from time to time upon the affairs of the city;

D. Prepare the budget annually and submit it to the council and be responsible for its administration after adoption;

E. Appoint and remove such city officers and employees as the council shall determine are necessary for the proper administration of the city: Provided, he shall appoint and remove department heads subject to the approval of the council.

ARTICLE VI. MISCELLANEOUS

Section 1. CLAIMS AND DEMANDS. All claims or demands against the City of Leaksville-Spray arising in tort shall be presented to the city council or to the city manager, in writing, signed by the claimant, his attorney or lawful agent, within ninety (90) days after said claim or demand is due or the cause of action accrues; no suit or action thereon shall be brought within ten (10) days or after the expiration of twelve (12) months from the time said claim is so presented, and, unless the claim is so presented within ninety (90) days after the cause of action accrued and unless suit is brought within twelve (12) months thereafter, any action thereon shall be barred.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1959.

S. B. 32 CHAPTER 109

AN ACT TO AMEND G. S. 148-4 RELATING TO THE CONTROL AND CUSTODY OF PRISONERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 148-4, as the same appears in the 1957 Cumulative Supplement of the General Statutes, is amended by adding the following sentences at the end thereof:

"Employees of departments, institutions, agencies, and political subdivisions of the State hiring prisoners to perform work outside prison confines may be designated as the authorized agents of the Director of Prisons for the purpose of maintaining control and custody of prisoners who may be placed under the supervision and control of such employees, including guarding and transferring such prisoners from place to place

in the State as their duties might require, and apprehending and arresting escaped prisoners and returning them to prison. The governing authorities of the State prison system are authorized to determine by rules and regulations the manner of designating these agents and placing prisoners under their supervision and control, which rules and regulations shall be established in the same manner as other rules and regulations for the government of the State prison system."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

S. B. 79 CHAPTER 110

AN ACT TO AMEND G. S. 24-2 SO AS TO MAKE ITS PROVISIONS APPLY WHERE A DEBTOR OR OTHER PERSON SEEKS EQUITABLE RELIEF.

The General Assembly of North Carolina do enact:

Section 1. G. S. 24-2 is hereby amended by inserting immediately following the third sentence thereof the following new sentence:

"If security has been given for an usurious loan and the debtor or other person having an interest in the security seeks relief against the enforcement of the security or seeks any other affirmative relief, the debtor or other person having an interest in the security shall not be required to pay or to offer to pay the principal plus legal interest as a condition to obtaining the relief sought but shall be entitled to the advantages provided in this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

H. B. 56 CHAPTER 111

AN ACT AUTHORIZING THE POLICE OFFICERS OF THE TOWN OF SEABOARD IN NORTHAMPTON COUNTY TO EXERCISE THEIR POWERS AS SUCH OFFICERS WITHIN A RADIUS OF THREE MILES IN ALL DIRECTIONS FROM THE CORPORATE CITY LIMITS OF THE SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The members of the town police of the Town of Seaboard in Northampton County shall have, in all that territory embraced within three (3) miles in all directions of the corporate limits of said town, all the power and authority which they now exercise within the corporate limits of said town.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

H. B. 171 CHAPTER 112

AN ACT TO AMEND CHAPTER 1261 OF THE SESSION LAWS OF 1953 RELATING TO THE CHARTER OF THE TOWN OF SELMA IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1261 of the Session Laws of 1953 is hereby rewritten to read as follows:

"Sec. 4. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this Chapter, all powers of the town shall be vested in a board of commissioners of five (5) members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor shall be for two (2) years until his successor is elected and qualified, and shall begin on Friday next following his election. The term of office of the board of commissioners shall be for four (4) years until their successors are elected and qualified, and shall begin on Friday next following their election; except that in the 1959 general election the three candidates receiving the highest number of votes in the general election shall serve for a term of four (4) years, and the next two candidates receiving the highest number of votes cast shall serve for a term of two (2) years. Provided, that in case any candidate does not receive a majority vote in the general election, the candidate receiving the next highest vote shall have the right to a runoff election; provided, that notice for said runoff election is given within three days after the general election. The runoff election shall be held two weeks from the day of the general election and shall be conducted in accordance with laws applicable to the general election."

Sec. 2. Section 12 of Chapter 1261 of the Session Laws of 1953 is hereby amended by striking out the words "five (5)" immediately following the word "and" and preceding the word "members" in line two, and striking out the words "and there shall also be a primary election as hereinafter set out" in line four of said Section.

Sec. 3. Section 13 of Chapter 1261 of the Session Laws of 1953 is hereby rewritten to read as follows:

"Sec. 13. Regulation of Elections. All elections shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein, and the elections shall be held as follows:

"(a) Notice of Candidacy. Any person desiring to become a candidate for the office of mayor or commissioner, shall at least ten (10) days before

the election, file with the town clerk a statement of such candidacy in substantially the following form:

"I, ..., hereby give notice that I am a qualified voter and am a resident of the Town of Selma, North Carolina; that I am a candidate for the office of..... ....., to be voted upon at the election to be held on the ..... day of ....., 19....., and I hereby request that my name be printed upon the official ballot for such office.

(Signed).....

Each candidate for the office of mayor shall at the same time pay to the clerk, to be turned over to the town treasurer, the sum of ten dollars ($10.00); candidates for the other elective offices shall pay to the clerk the sum of five dollars ($5.00).

"(b) Publication of Names. Immediately upon the expiration of the time for filing the notice of candidacy, the town clerk shall post the names of persons who have qualified to enter said election at a public place in the mayor's office or town hall.

"(c) Ballots Prepared. The clerk shall thereupon cause the ballots to be printed, authenticating with his signature or a facsimile of his signature. Upon the ballots the names of the candidates for mayor, arranged alphabetically, shall be placed with a square at the left of each name and immediately below the words 'vote for one'. Following the names, likewise arranged in alphabetical order, shall appear the names of the candidates for commissioners, with a square at the left of each name, and above the names of such candidates shall appear the number of offices to be filled.

"(d) Distribution of Ballots. The town clerk shall cause to be delivered at the polling place a sufficient number of the printed ballots equal at least to twice the number of votes cast in the preceding municipal election.

"(e) Ballots Counted. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such election for each of the candidates, and make returns thereof to the town clerk upon blanks to be furnished by the clerk.

"(f) Returns Canvassed. On the day following the election, the town clerk, under the supervision and direction of the mayor, shall canvass such return and declare the result thereof. The canvass by the town clerk shall be publicly made."

Sec. 4. Section 14 of Chapter 1261 of the Session Laws of 1953 is hereby amended by striking out the word "primary" immediately following the word "the" and immediately preceding the word "at" in line 12 and by striking out the words "primary election" immediately following the word "the" and immediately preceding the word "election" in line 13 of said Section, and substituting in lieu thereof the word "election".

Sec. 5. Section 15 of Chapter 1261 of the Session Laws of 1953 is hereby amended by striking out the words "primary and" immediately following the word "the" in line four and immediately preceding the word "general" in line five of said Section.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

H. B. 172 CHAPTER 113

AN ACT AMENDING CHAPTER 124 OF THE 1955 SESSION LAWS, AS AMENDED, PROVIDING FOR THE REGULATION OF THE SUBDIVISION OF LAND IN AND AROUND THE CITY OF CHARLOTTE BY SUBSTITUTING AN ENLARGED TERRITORY COVERED BY SAID ACT.

The General Assembly of North Carolina do enact:

Section 1. That, Chapter 124 of the 1955 Session Laws of North Carolina, as amended, is further amended by, in Section 2 thereof, striking out the description of territory covered in said Act, beginning in the fifth line of Section 2 of such Act, and continuing to the end of Section 2, and substituting in lieu thereof, the following:

BEGINNING at a point which is the intersection of the center line of Independence Boulevard (U. S. 74 East) and the center line of Irvins Creek, and running thence in a southwesterly direction to a point in the center line of Old Monroe Road, said point being 1000 feet southeast of the center line intersection of Old Monroe Road and Sardis Road North; thence in a southwesterly direction to a point in the center line of Sardis Road, said point being the center line intersection of Sardis Road and an unnamed creek located approximately 1000 feet southeast of Sardis Road South; thence in a southerly direction with the center line of said Creek, crossing Alexander Road, to a point in a line which is parallel with and 300 feet South of the center line of Alexander Road; thence in a westerly direction parallel with and 300 feet South of the center line of Alexander Road to a point in the center line of Providence Road (N. C. 16), said point being also in a line parallel with and 300 feet South of the center line of Rea Road; thence in a southwesterly direction parallel with and 300 feet South of the center line of Rea Road to a point in the center line of Rea Branch that crosses Rea Road, said branch crosses Rea Road one mile North of Matthews-Pineville Road and Rea Road intersection; thence in a westerly direction crossing Rea Road and Carmel Road to a point in Park Road, said point being 300 feet South of the center line intersection of Park Road and Sharon Road West; thence in a westerly direction parallel with and 300 feet South of the center line of Sharon Road West to a point 300 feet West of the center line of New Pineville Road; thence in a northerly direction parallel with and 300 feet West of the center line of New Pineville Road to a point 300 feet South of the center line intersection of Old Pineville Road and New Pineville Road; thence in a northerly direction parallel with and 300 feet West of the center line of Old Pineville Road, to W. B. T. Road; thence in a westerly direction parallel with and 300 feet South of the center line of W. B. T. Road to a point 300 feet West of the

center line of York Highway No. 49; thence in a northerly direction parallel with and 300 feet West of the center line of York Highway No. 49 to a point 300 feet West of the intersection of Beam Road and York Highway No. 49; thence in a northerly direction parallel with and 300 feet West of the center line of Beam Road to a point 300 feet South of the center line intersection of Beam Road and Steel Creek Road; thence in a northerly direction parallel with and 300 feet West of the center line of Steel Creek Road crossing Byrum Drive to a point 300 feet South of the center line of Dixie Road; thence in a westerly direction parallel with and 300 feet from the center line of Dixie Road crossing Brownhill Road and Coffey Creek to a point 300 feet West of the center line where the new Dixie Road connects with the Old Dixie Road, which is also 300 feet North of the center line of the old section of Dixie Road; thence in an easterly direction parallel with and 300 feet North from the center line of the Old Dixie Road to a point 300 feet West of the center line of Stowe Road; thence in a northwesterly direction parallel with and 300 feet from the center line of Stowe Road crossing Dixie Road to a point 300 feet West of the intersection of Wallace Neal and Stowe Road; thence in a northerly direction parallel with and 300 feet West of the center line of Wallace Neal Road to a point in the center line of Old Dowd Road; thence in a northerly direction crossing Southern Railroad to a point in the center line of Wilkinson Boulevard, said point being also in the center line of Ticer Branch; thence in a northwesterly direction to a point in the center line of Tuckaseegee Road, said point being 110 feet southwest of the center line intersection of Tuckaseegee Road and Tuckasee Street; thence in a northwesterly direction to a point which is the center line intersection of U. S. Interstate Highway No. 85 and Paw Creek; thence in a northerly direction to a point in the center line of Moores Chapel Road, said point being 540 feet southeast of the center line intersection of Moores Chapel Road and Gore Street; thence in a northerly direction, crossing Piedmont and Northern Railroad and Seaboard Airline Railroad to a point, said point being the northwest corner of the Henry Hoover estate as shown on map recorded in Map Book 5, Page 283 in the office of the Register of Deeds for Mecklenburg County, North Carolina; thence in a northeasterly direction with the northerly boundary line of the aforementioned Henry Hoover estate to a point in the center line of Mt. Holly Road, (N. C. 27); thence in a northerly direction to a point in the center line of Sadler Road, said point being 600 feet West of the center line intersection of Sadler Road and Gum Branch Road; thence in a northerly direction to a point in the center line of Long Creek, said point being the center line intersection of Long Creek and an unnamed branch and being further described as a point approximately 3700 feet downstream from the intersection of Long Creek and Gum Branch; thence in a northeasterly direction with the center line of Long Creek, crossing Rozzells Ferry Road and Sunset Road to a point in a line which is parallel with and 300 feet northeast of the center line of Sunset Road; thence in a southeasterly direction parallel with and 300 feet northeast of the center line of Sunset Road, crossing Simpson Road, Beatties Ford Road and Reams Road to a point in the center line of U. S. Highway 21 North, said point

being also in a line which is parallel with and 300 feet West of the center line of Statesville Road; thence in a northerly direction parallel with and 300 feet West of the center line of Statesville Road, crossing Airway Avenue and Apache Avenue to a point in a line which is parallel with and 180 feet North of the center line of Apache Avenue; thence in an easterly direction parallel with and 180 feet North of the center line of Apache Avenue to a point in the center line of Statesville Road; thence in a northeasterly direction crossing Southern Railroad to a point in the center line of Brown Road, said point being the center line intersection of Brown Road and Mallard Creek; thence in an easterly direction with the center line of Mallard Creek, crossing Mallard Creek Road to a point in a line which is parallel with and 300 feet northwest of the center line of Concord Road (U. S. 29 North); thence in a northeasterly direction parallel with and 300 feet northwest of the center line of Concord Road (U. S. 29 North) crossing Mallard Creek Church Road to a point in a line which is parallel with and 300 feet northeast of the center line of Mallard Creek Church Road; thence in a southeasterly direction parallel with and 300 feet northeast of the center line of Mallard Creek Church Road to a point in the center line of Concord Road (U. S. 29 North); thence in a southeasterly direction to a point in the center line of N. C. Highway 49 North, said point being in a line which is parallel with and 400 feet West of the center line of Back Creek Church Road; thence in a southeasterly direction parallel with and 400 feet West of the center line of Back Creek Church Road to a point in the center line of Southern Railroad; thence in a southerly direction with the center line of Southern Railroad to a point in a line which is parallel with and 300 feet northeast of the center line of McLean Road; thence in a southeasterly direction parallel with and 300 feet northeast of the center line of McLean Road, crossing Russell Road, to a point in a line which is parallel with and 300 feet North of the center line of Rocky River Road; thence in an easterly direction parallel with and 300 feet North of the center line of Rocky River Road to a point in the center line of a branch of Reedy Creek, said branch being located approximately 1000 feet East of McLean Road; thence in a southeasterly direction with the center line of said branch of Reedy Creek, crossing Rocky River Road, Plaza Road and Hood Road to a point approximately 1900 feet East of the center line of Hood Road, said point being the northeast corner of White Forest Subdivision as shown on map recorded in Map Book 7, Page 695 in the office of the Register of Deeds for Mecklenburg County, North Carolina; thence in a southerly direction to a point in the center line of Robinson Church Road, said point being 230 feet East of the center line intersection of Robinson Church Road and Hammond Drive; thence in a southerly direction to a point in the center line of Norfolk Southern Railroad, said point being in a line which is parallel with and 650 feet West of the center line of Harrisburg Road; thence in a southerly direction parallel with and 650 feet West of the center line of Harrisburg Road to a point in the center line of Pence Road; thence in a southerly direction to a point in the center line of Albemarle Road (N. C. 27), said point being in a line which is parallel with and 200 feet East of the center line of an unnamed 30-foot roadway between

Lots 12 and 13 as shown on map recorded in Map Book 4, Page 643 in the office of the Register of Deeds for Mecklenburg County, North Carolina; thence in a southerly direction with a line which is parallel with and 200 feet East of the center line of said 30-foot roadway for a distance of approximately 1600 feet and continuing therefrom with a straight line projection of said parallel line to a point in the center line of McAlpine Creek; thence in a southerly direction with the center line of McAlpine Creek, crossing Lawyers Road to a point in the center line of Idlewild Road; thence in a southeasterly direction to a point in the center line of Margaret Wallace Road, said point being in a line which is parallel with and 300 feet northeast of the center line of Sam Newell Road; thence in a southeasterly direction parallel with and 300 feet northeast of the center line of Sam Newell Road to a point in the center line of Irvins Creek; thence in a southwesterly direction with the center line of Irvins Creek, crossing Sam Newell Road to the center line intersection of Irvins Creek and Independence Boulevard (U. S. 74 East), to the point of BEGINNING.

Sec. 2. That, any ordinance adopted pursuant to the provisions of Chapter 124 of the 1955 Session Laws of North Carolina, shall continue in full force and effect until replaced by another ordinance adopted pursuant to the provisions of this Act, or repealed by law.

Sec. 3. Any ordinance adopted under the authority of this Act shall have no effect upon any litigation which is pending at the time of the adoption of such ordinance, nor shall any such ordinance validate the subdivision of land in violation of any existing ordinance of the City of Charlotte.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act, except as indicated in Sections 2 and 3 hereof, are hereby repealed to the extent of such conflict.

Sec. 5. The provisions of this Act shall apply only to the City of Charlotte and to the territory within the corporate limits of the City of Charlotte and that territory beyond and surrounding the corporate limits of said city, as described in Section 1 of this Act.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

H. B. 173

CHAPTER 114

AN ACT AMENDING CHAPTER 123 OF THE 1955 SESSION LAWS, AS AMENDED, TO EXTEND THE PLANNING, ZONING, BUILDING REGULATION AND SUBDIVISION REGULATION POWERS OF THE CITY OF CHARLOTTE AND ITS GOVERNING BODY TO A DESCRIBED TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY SUBSTITUTING AN ENLARGED TERRITORY COVERED BY SAID ACT.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 123 of the 1955 Session Laws of North Carolina, as amended, is further amended by, in Section 2 thereof, striking out the description of territory covered in said Act, beginning in the fourth line of Section 2 of such Act, and continuing to the end of Section 2, and substituting in lieu thereof, the following:

BEGINNING at a point which is the intersection of the center line of Independence Boulevard (U. S. 74 East) and the center line of Irvins Creek, and running thence in a southwesterly direction to a point in the center line of Old Monroe Road, said point being 1000 feet southeast of the center line intersection of Old Monroe Road and Sardis Road North; thence in a southwesterly direction to a point in the center line of Sardis Road, said point being the center line intersection of Sardis Road and an unnamed creek located approximately 1000 feet southeast of Sardis Road South; thence in a southerly direction with the center line of said creek, crossing Alexander Road, to a point in a line which is parallel with and 300 feet South of the center line of Alexander Road; thence in a westerly direction parallel with and 300 feet South of the center line of Alexander Road to a point in the center line of Providence Road (N. C. 16), said point being also in a line parallel with and 300 feet South of the center line of Rea Road; thence in a southwesterly direction parallel with and 300 feet South of the center line of Rea Road to a point in the center line of Rea Branch that crosses Rea Road, said branch crosses Rea Road one mile North of Matthews-Pineville Road and Rea Road intersection; thence in a westerly direction crossing Rea Road and Carmel Road to a point in Park Road, said point being 300 feet South of the center line intersection of Park Road and Sharon Road West; thence in a westerly direction parallel with and 300 feet South of the center line of Sharon Road West to a point 300 feet West of the center line of New Pineville Road; thence in a northerly direction parallel with and 300 feet West of the center line of New Pineville Road to a point 300 feet South of the center line intersection of Old Pineville Road and New Pineville Road; thence in a northerly direction parallel with and 300 feet West of the center line of Old Pineville Road, to W. B. T. Road; thence in a westerly direction parallel with and 300 feet South of the center line of W. B. T. Road to a point 300 feet West of the center line of York Highway No. 49; thence in a northerly direction parallel with and 300 feet West of the center line of York Highway No. 49 to a point 300 feet West of the intersection

of Beam Road and York Highway No. 49; thence in a northerly direction parallel with and 300 feet West of the center line of Beam Road to a point 300 feet South of the center line intersection of Beam Road and Steel Creek Road; thence in a northerly direction parallel with and 300 feet West of the center line of Steel Creek Road crossing Byrum Drive to a point 300 feet South of the center line of Dixie Road; thence in a westerly direction parallel with and 300 feet from the center line of Dixie Road crossing Brownhill Road and Coffey Creek to a point 300 feet West of the center line where the New Dixie Road connects with the old Dixie Road, which is also 300 feet North of the center line of the old section of Dixie Road; thence in an easterly direction parallel with and 300 feet North from the center line of the Old Dixie Road to a point 300 feet West of the center line of Stowe Road; thence in a northwesterly direction parallel with and 300 feet from the center line of Stowe Road crossing Dixie Road to a point 300 feet West of the intersection of Wallace Neal and Stowe Road; thence in a northerly direction parallel with and 300 feet West of the center line of Wallace Neal Road to a point in the center line of Old Dowd Road; thence in a northerly direction crossing Southern Railroad to a point in the center line of Wilkinson Boulevard, said point being also in the center line of Ticer Branch; thence in a northwesterly direction to a point in the center line of Tuckaseegee Road, said point being 110 feet southwest of the center line intersection of Tuckaseegee Road and Tuckasee Street; thence in a northwesterly direction to a point which is the center line intersection of U. S. Interstate Highway No. 85 and Paw Creek; thence in a northerly direction to a point in the center line of Moores Chapel Road, said point being 540 feet southeast of the center line intersection of Moores Chapel Road and Gore Street; thence in a northerly direction, crossing Piedmont and Northern Railroad and Seaboard Airline Railroad to a point, said point being the northwest corner of the Henry Hoover estate as shown on map recorded in Map Book 5, Page 283 in the office of the Register of Deeds for Mecklenburg County, North Carolina; thence in a northeasterly direction with the northerly boundary line of the aforementioned Henry Hoover estate to a point in the center line of Mt. Holly Road, (N. C. 27); thence in a northerly direction to a point in the center line of Sadler Road, said point being 600 feet West of the center line intersection of Sadler Road and Gum Branch Road; thence in a northerly direction to a point in the center line of Long Creek, said point being the center line intersection of Long Creek and an unnamed branch and being further described as a point approximately 3700 feet downstream from the intersection of Long Creek and Gum Branch; thence in a northeasterly direction with the center line of Long Creek, crossing Rozzells Ferry Road and Sunset Road to a point in a line which is parallel with and 300 feet northeast of the center line of Sunset Road; thence in a southeasterly direction parallel with and 300 feet northeast of the center line of Sunset Road, crossing Simpson Road, Beatties Ford Road and Reams Road to a point in the center line of U. S. Highway 21 North, said point being also in a line which is parallel with and 300 feet West of the center line of Statesville Road; thence in a northerly direction parallel with and 300 feet West of

the center line of Statesville Road, crossing Airway Avenue and Apache Avenue to a point in a line which is parallel with and 180 feet North of the center line of Apache Avenue; thence in an easterly direction parallel with and 180 feet North of the center line of Apache Avenue to a point in the center line of Statesville Road; thence in a northeasterly direction crossing Southern Railroad to a point in the center line of Brown Road, said point being the center line intersection of Brown Road and Mallard Creek; thence in an easterly direction with the center line of Mallard Creek, crossing Mallard Creek Road to a point in a line which is parallel with and 300 feet northwest of the center line of Concord Road (U. S. 29 North); thence in a northeasterly direction parallel with and 300 feet northwest of the center line of Concord Road (U. S. 29 North) crossing Mallard Creek Church Road to a point in a line which is parallel with and 300 feet northeast of the center line of Mallard Creek Church Road; thence in a southeasterly direction parallel with and 300 feet northeast of the center line of Mallard Creek Church Road to a point in the center line of Concord Road (U. S. 29 North); thence in a southeasterly direction to a point in the center line of N. C. Highway No. 49 North, said point being in a line which is parallel with and 400 feet West of the center line of Back Creek Church Road; thence in a southeasterly direction parallel with and 400 feet West of the center line of Back Creek Church Road to a point in the center line of Southern Railroad; thence in a southerly direction with the center line of Southern Railroad to a point in a line which is parallel with and 300 feet northeast of the center line of McLean Road; thence in a southeasterly direction parallel with and 300 feet northeast of the center line of McLean Road, crossing Russell Road, to a point in a line which is parallel with and 300 feet North of the center line of Rocky River Road; thence in an easterly direction parallel with and 300 feet North of the center line of Rocky River Road to a point in the center line of a branch of Reedy Creek, said branch being located approximately 1000 feet East of McLean Road; thence in a southeasterly direction with the center line of said branch of Reedy Creek, crossing Rocky River Road, Plaza Road and Hood Road to a point approximately 1900 feet East of the center line of Hood Road, said point being the northeast corner of White Forest Subdivision as shown on map recorded in Map Book 7, Page 695 in the office of the Register of Deeds for Mecklenburg County, North Carolina; thence in a southerly direction to a point in the center line of Robinson Church Road, said point being 230 feet East of the center line intersection of Robinson Church Road and Hammond Drive; thence in a southerly direction to a point in the center line of Norfolk Southern Railroad, said point being in a line which is parallel with and 650 feet West of the center line of Harrisburg Road; thence in a southerly direction parallel with and 650 feet West of the center line of Harrisburg Road to a point in the center line of Pence Road; thence in a southerly direction to a point in the center line of Albemarle Road (N. C. 27), said point being in a line which is parallel with and 200 feet East of the center line of an unnamed 30-foot roadway between Lots 12 and 13 as shown on map recorded in Map Book 4, Page 643 in the office of the Register of Deeds for Mecklenburg County, North Carolina; thence in a

southerly direction with a line which is parallel with and 200 feet East of the center line of said 30-foot roadway for a distance of approximately 1600 feet and continuing therefrom with a straight line projection of said parallel line to a point in the center line of McAlpine Creek; thence in a southerly direction with the center line of McAlpine Creek, crossing Lawyers Road to a point in the center line of Idlewild Road; thence in a southeasterly direction to a point in the center line of Margaret Wallace Road, said point being in a line which is parallel with and 300 feet northeast of the center line of Sam Newell Road; thence in a southeasterly direction parallel with and 300 feet northeast of the center line of Sam Newell Road to a point in the center line of Irvins Creek; thence in a southwesterly direction with the center line of Irvins Creek, crossing Sam Newell Road to the center line intersection of Irvins Creek and Independence Boulevard (U. S. 74 East), to the point of BEGINNING.

Sec. 2. That, any ordinance adopted pursuant to the provisions of Chapter 123 of the 1955 Session Laws of North Carolina, shall continue in full force and effect until replaced by another zoning ordinance adopted pursuant to the provisions of this Act, or repealed by law.

Sec. 3. Any ordinance adopted under the authority of this Act shall have no effect upon any litigation which is pending at the time of the adoption of such ordinance, nor shall any such ordinance validate land use in violation of any existing ordinance of the City of Charlotte.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act, except as indicated in Sections 2 and 3 hereof, are hereby repealed to the extent of such conflict.

Sec. 5. The provisions of this Act shall apply only to the City of Charlotte and to the territory within the corporate limits of the City of Charlotte and that territory beyond and surrounding the corporate limits of said city, as described in Section 1 of this Act.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

H. B. 174 CHAPTER 115

AN ACT CREATING A CIVIL SERVICE COMMISSION IN THE CITY OF HENDERSONVILLE, NORTH CAROLINA, FOR THE MEMBERS OF THE HENDERSONVILLE POLICE DEPARTMENT AND THE HENDERSONVILLE FIRE DEPARTMENT, AND FIXING THE DUTIES, RESPONSIBILITIES AND QUALIFICATIONS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Civil Service Commission; Creation and terms of office. (a) There is hereby established as a part of the government of the City of Hendersonville, a municipal corporation of the State of North Carolina, a Civil Service Commission which shall be composed of three members, and

having the powers and performing the duties specified in this Act with respect to the classified service of the City of Hendersonville, as hereinafter defined.

(b) The first members of the Commission shall be appointed by the governing body of the city within 30 days after the ratification of this Act. One of those appointed shall be appointed for a term of one year, one for a term of two years and one for a term of three years. Upon expiration of the terms of those persons first appointed to the Commission, their successors shall be appointed as follows:

(1) The successor to the member appointed for a one-year term shall be elected for a three-year term by the policemen and firemen of the city, in a manner to be specified by an appropriate city ordinance of the City of Hendersonville;

(2) The successor to the person appointed for a two-year term shall be elected for a three-year term by the governing body of the city; and

(3) The successor to the person appointed for a three-year term shall be elected for a three-year term by the other two members of the Commission.

All succeeding appointments shall be made by the same appointing authorities for terms of three years each. In the event of a vacancy on said Commission, otherwise than by expiration of a term, such vacancy shall be filled in the same manner provided in this Act for the appointment of a successor member to the Commission. Any person appointed to fill a vacancy occurring prior to the expiration of the term of such vacant office shall serve only for the remainder of such term. In the event the two members serving unexpired terms fail to appoint the third member as provided herein within ten days from the date of such vacancy, a committee of four policemen and firemen and four members of the governing body of the city shall meet and appoint said third member within 20 days from the date such vacancy occurs.

(c) No person shall be appointed a member of the Commission who is not:

(1) A citizen of the United States;

(2) A resident of the City of Hendersonville for at least one year next preceding such appointment; and

(3) An elector of Henderson County.

Sec. 2. Removal of members of Commission. (a) Any member of the Commission may be removed from office by the governing body of the city for incompetency, dereliction of duty, malfeasance in office, or other good cause.

(b) No removal under this Section shall be effectual until:

(1) Charges have been preferred in writing;

(2) Notice of charges and hearing thereon has been given for ten days; and

(3) Full public hearing had on the charges before the governing body of the city.

(c) Upon removal, the person removed shall have ten days within which to appeal such removal to the Superior Court of Henderson County, but if no appeal is taken within such time, the removal shall be final.

(d) If an appeal is taken from the order of removal, as provided in subsection (c), the resident judge or the judge holding Superior Court in the county shall hear the appeal promptly, on the questions only of good faith on the part of the governing body of the city and cause for removal, and no other grounds for appeal shall be allowed.

Sec. 3. Duties of members of the Commission. (a) The members of the Commission shall devote due time and attention to the performance of the duties imposed upon them by this Act, shall organize immediately after appointment and shall elect one of their members as chairman. Two members of the Commission shall constitute a quorum, and the votes of any two members of this Commission concurring shall be sufficient for the decision on any matters and the transaction of any business under the provisions of this Act.

(b) The Commission shall:

(1) Meet at least twice annually for the transaction of Commission business and more often if necessary for the proper discharge of its duties.

(2) Appoint a secretary who may be a member of the Commission but may not be a member of the classified service, who shall keep the records of the Commission, preserve all reports made to it, superintend and keep a record of all examinations given by it, and perform such other duties as the Commission may prescribe.

(3) Make rules and regulations not inconsistent with the provisions of this Act, which shall provide the manner in which examinations may be held; appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges may be made; and shall also provide for and relate to any other matters connected with the general subject of personnel administration, considered desirable for the further implementation of the general purposes of this Act; all of which rules and regulations shall be reproduced for free public distribution.

(4) Formulate and give tests provided for by this Act, which shall be practical, shall consist of material relating to subjects which will fairly determine the capacity of the persons tested to perform duties of the position for which the test is given, and shall include parts relating to physical fitness for the position, manual dexterity for the position and general suitability for the position.

(5) Make investigations and reports of matters touching the enforcement and effect of this Act and the rules and regulations promulgated hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this Act; and ascertain whether this Act and all rules and regulations promulgated hereunder are being obeyed;

(6) Hear and determine appeals or complaints respecting the administration of this Act, including the administrative work of personnel

departments affected hereby, appeals from allocation of positions, appeals from results of examinations, and such other matters as may be referred to the Commission.

(7) Prepare and maintain a roster of the members of the fire department and the police department of the city, which shall contain the name, rank and seniority position of each member of such departments, which roster shall be posted in a conspicuous place at the offices of the fire department and the police department.

(8) Establish eligibility lists for the various positions available in the fire department and the police department, on the basis of competitive tests, formulated as provided in subdivision (4) and held to determine the relative qualifications of persons seeking employment by such departments.

(9) When a vacant position is to be filled by the fire department or the police department, certify to the appointing authority, on written request, the names of the three persons highest on the eligibility list for that position, and if there is no list as to that position, to prepare a provisional list for the position, from which an appointment for a period of not to exceed four months may be made.

(10) Keep such records as may be necessary for the proper administration of this Act.

Sec. 4. Rules and Regulations. The rules and regulations promulgated under the provisions of subdivision (3) of Section 3 shall include:

(1) Provision for a credit of ten per cent on competitive tests in favor of all applicants for appointment to a position in the classified service, who in time of war or declared national emergency has served in and been honorably discharged or otherwise honorably separated from any of the branches of the armed forces of the United States.

(2) Provision for the granting of leaves of absence to members of the classified service on the recommendation of the chief of the department of which the person granted leave is a member, which leave shall not be counted against the member in his order of seniority, and notice of which shall be given to the city.

(3) Provision that appointments for temporary employment caused by leaves of absence duly granted shall be made from the eligible list of the department concerned.

(4) Provision that men laid off because of curtailment of expenditures, reduction in force or for like cause, shall be the last man or men, including probationers, that have been appointed to the department concerned, in numerical order beginning with the last man appointed.

(5) Provision that persons laid off under the provisions of subdivision (4) of this Section shall be reinstated before any new appointments to the department or departments concerned are made.

Sec. 5. Investigations. (a) Investigations conducted under the provisions of subdivision (5) of Section 3 may be made by the Commission on its own motion or upon petition of any resident of Hendersonville, duly verified, alleging wherein irregularities or abuses in the administration of

the classified service exists, or otherwise setting forth facts sufficient to enable the Commission to determine whether an investigation should be made.

(b) Investigations may be conducted by the Commission as a whole or a member thereof appointed by and on behalf of the Commission.

(c) The Commission or member conducting an investigation shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production of books, papers, documents and accounts relative to the matter under investigation, and to cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the Superior Courts of North Carolina. The oaths administered and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by the Judges of the Superior Courts of North Carolina, and refusal to be sworn or to testify or failure of any person subpoenaed to comply with the same shall be deemed a violation of this Act and punishable as hereinafter provided.

(d) All hearings and investigations before the Commission or member conducting an investigation shall be governed by the provisions of this Act and by rules of practice and procedure to be adopted by the Commission, and in the conduct thereof the Commission shall not be bound by technical rules of evidence or procedure. No informality in any proceeding or hearing, or in the manner of taking testimony before the Commission shall invalidate any order, decision, or ruling made by the Commission, provided that no order, decision, or ruling made by any member conducting an investigation alone shall be effective until concurred in by the Commission or a majority thereof.

Sec. 6. Classified service defined. Classified service shall include all presently employed officers and employees of the fire department and the police department of the City of Hendersonville regardless of age, and future appointees thereto who are under the age of 65 years, including jailors, telephone operators, the fire alarm superintendent and his helpers.

Sec. 7. Appointments, promotions, discharges, etc. (a) All appointments to and promotions in the fire department and the police department of the City of Hendersonville, North Carolina, shall be made on the basis of efficiency, suitability, and fitness, ascertained on the basis of open competitive examinations and impartial investigation, and shall be from among those persons who have taken an examination for and have made a passing grade for the particular class which includes the position to which appointment is to be made. Those persons eligible for appointment to positions within a particular class, on the basis of examination and investigation, shall be placed on a list to be known as the "Eligible List", in the order of grades attained on the examinations, without regard to the date of the examination, except that those persons senior in service with either the fire department or the police department shall be placed at the top of the list, regardless of the grade by which the examination was passed.

(b) Before examination for any position within the classified service it must appear that the applicant is a citizen of the United States and has

been an elector of Henderson County for at least one year next preceding the application. In addition, applicants for examination must be not less than 21 years nor over 30 years of age for service in the fire department and not less than 21 nor more than 35 years of age for service in the police department, be able to read and write the English language, be in ordinarily good health, of good moral character, of temperate and industrious habits and generally suitable for the position for which application is made.

Sec. 8. Appointments to vacant positions; certification from lists. (a) Whenever a position in the classified service becomes vacant, the governing body of the city shall make requisition upon the Commission for the name and address of the three persons standing highest on the eligible list for the vacant position. The Commission shall thereupon certify to the city the names of the three persons highest on the eligible list who are willing to accept employment. If there is no appropriate eligible list for the class which includes the vacant position, the Commission shall certify the name of the person standing highest on list of some other class of positions deemed by the Commission to be the equivalent to the class of the position which is vacant. The governing body of the city shall forthwith appoint one of those three persons certified to the vacant position, or may reject all those names certified and call upon the Commission to certify to it three additional names, from which additional list, the selection shall be made. If more than one vacancy is to be filled, an additional name shall be certified on the list furnished the city for each additional vacancy.

(b) The governing body of the city may, in lieu of permanent appointment to a vacant position as provided in subsection (a) of this Section, appoint any certified person to a vacant position for a period of six months only, during which time such appointee shall be on probation and subject to removal for cause, or transfer to another position if found to be unfit or unsatisfactory for the position to which appointed on probation. If dismissal or transfer is made for being unfit or unsatisfactory for the position, transfer or dismissal shall be without prejudice to such applicant or his position on any other eligible list. Action under this subsection shall not be reviewable. In the event of dismissal of a probationer for any reason, the Commission shall certify to the governing body of the city a new list consisting of the three names of those persons highest on the eligible list for the position from which list a replacement may be appointed permanently or on probation. At the end of the six months probationary period, records of the probationer shall be reviewed by the appointing authority who shall either tender the probationer a permanent appointment on finding his record satisfactory, or discharge him.

Sec. 9. Tenure of office under classified service; cause and manner of discharge. (a) Tenure of any person holding a permanent office, place, position or employment in any department of the city covered by the provisions of this Act shall be during good behavior, but any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges or other special privileges by the Commission for any of the following reasons:

(1) Dishonesty, intemperance, immoral conduct, insubordination, or any other act of omission or commission tending to injure the classified service;

(2) Any willful failure on the part of the employee to properly conduct himself;

(3) Any willful violation of the provisions of this Act or the rules and regulations promulgated in compliance herewith;

(4) Conviction of a felony or a misdemeanor involving moral turpitude; and

(5) Any other act or failure to act which in the judgment of the Commission is sufficient to show the offender to be unsuitable or unfit for employment in the classified service.

(b) Any employee member of the classified service may be removed, suspended or discharged by the authority by which he was appointed for any of the causes enumerated in subsection (b) of this Section. Upon such removal, suspension or discharge, the member concerned shall be given verbal or written notice thereof either by giving such notice to the employee or leaving such notice at, or mailing such notice to, the member's usual place of residence.

Upon the giving of such notice, the removal, suspension or discharge shall be effective, provided that the member so notified may, within five days thereafter, demand a written statement of the reasons for removal, suspension or discharge and the right to be heard before the Commission. Upon such demand, the appointing authority effecting the removal, suspension or discharge shall supply to the member concerned and to the Commission a written statement of the reasons for such removal, suspension or discharge, and the Commission shall fix a time and place for a public hearing. At such hearing testimony shall be reduced to writing and the Commission shall thereafter make a report of its findings and recommendations regarding the removal, suspension or discharge, which report, together with a transcript of the evidence and the charges, shall be filed with the city clerk and be open to public inspection. No statement made in good faith by the appointing authority in effecting such removal, suspension or discharge shall constitute defamation of character or libel.

Within five days after the filing of the Commission report, the appointing authority or the employee concerned may request the governing body of the city to approve or disapprove the report, but in the absence of any such request, the report shall be final and conclusive at the expiration of such five-day period. If request is made to the governing body of the city to approve or disapprove the report of the Commission, it shall require the votes of two-thirds of the membership of the governing body to disapprove the report. Lacking such two-thirds majority, the report shall be approved. Action by the governing body on any report by the Commission shall be final.

If the Commission, upon its hearing, finds that the removal, suspension or discharge was made for political reasons or was not made in good faith for any of the causes hereinbefore enumerated, the Commission shall order the immediate reinstatement or reemployment of such member of the

classified service in the office, place, or position or employment from which such member was removed, suspended or discharged, and may, if it so desires, provide in its report that the reinstatement shall be retroactive and that the person reinstated shall be entitled to pay or compensation from the time of such removal, suspension or discharge.

Sec. 10. Adoption and induction of incumbents in classified service. For the benefit of the public service and to prevent delay, injury or interruption therein by reason of the enactment of this Act, all persons holding positions in the fire department and police department, including the chiefs thereof, when this Act becomes effective, are hereby declared eligible for permanent appointment under the classified service to the offices, places, positions or employments which they then hold, without examination or other act on their part, and every such person is hereby automatically adopted and inducted into the classified service in such office, place, position or employment which such person then holds as completely and effectively as if such person had been permanently appointed thereto under the provisions of this Act after examination and investigation.

Sec. 11. Duties of officers and employees to assist the Commission. It shall be the duty of all officers and employees of the City of Hendersonville to aid in the carrying out of the provisions of this Act and such rules and regulations as may, from time to time, be prescribed by the Commission and to afford the Commission, its members and employees, all reasonable facilities and assistance in the inspection of books, papers, documents and accounts applying, or in any way appertaining to any and all offices, places, positions and employments subject to the classified service, and also to produce such books, papers, documents and accounts and attend and testify before the Commission whenever required or requested so to do by the Commission or any member conducting an investigation.

Sec. 12. False marking, grading, etc., prohibited. No commissioner or any other person, shall, by himself or in conjunction with another, defeat, deceive, or obstruct any person with respect to the right of examination or registration under this Act or the rules and regulations promulgated in accordance herewith, nor falsely mark, grade, estimate or report the examination or standing of any person examined, registered or certified pursuant to the provisions of this Act, nor aid in so doing, nor make any false representation concerning the name, nor concerning the person examined, nor furnish to any person special or secret information for the purpose of improving or injuring the prospects or chances of any person to be examined, registered or certified.

Sec. 13. Political activities prohibited. (a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political opinions or affiliations.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(c) No person shall use or promise to use, directly or indirectly any official authority or influence, whether possessed or anticipated, to secure

or attempt to secure for any person an appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any other consideration.

(d) No employee in the classified service, and no member of the Commission shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution to any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription, or contribution of any employee in the classified service.

(e) No employee in the classified service, and no member of the Commission, shall be a member of any National, State or local committee of a political party, or an officer or member of a committee of a political club, or a candidate for nomination or election to any public office, nor shall any such member or employee take part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote.

Sec. 14. Definition of terms. As used in this Act, the following terms shall mean:

(1) The term "Commission" means the Civil Service Commission herein created, and the term "Commissioner" means any one of the three commissioners of that Commission.

(2) The term "appointment" means the selection, appointment or employment of any person to hold any office, place, position or employment subject to Civil Service.

(3) The term "City of Hendersonville" shall include all the territory now comprising the corporate limits of the City of Hendersonville or any extensions thereof.

(4) The terms "Fire Department" and "Police Department" means and is intended to include all the officers and employees in their respective departments who are paid regularly by the City of Hendersonville and devote their full time to the duties involved.

Sec. 15. Facilities furnished. The governing body of the City of Hendersonville shall provide the Commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the Commission and shall also furnish such clerical assistance as may be necessary, all of which is to be commensurate with the number of persons in the City of Hendersonville coming within the purview of this Act; and the failure on the part of the governing body to do so, shall be considered a violation of this Act and shall be punishable as such.

Sec. 16. Operating funds; creation. The governing body of the City of Hendersonville shall have authority to appropriate from the general funds of said city a sum sufficient to carry out the purposes of this Act. Within 30 days after the effective date of this Act it shall be the duty of the governing body of the City of Hendersonville, subject to the provisions of this Act, to appoint and create the Civil Service Commission as provided in Section 1 hereof.

Sec. 17. Violation of this Act a misdemeanor; penalty. Any person who shall willfully violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars ($50.00) or more than five hundred dollars ($500.00), or by imprisonment in the county jail for not longer than one year, or by both such fine and imprisonment.

Sec. 18. Constitutionality of Act. If any Section, subsection, subdivision, sentence, clause or phrase of this Act shall for any reason be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Sec. 19. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 20. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

H. B. 175 CHAPTER 116

AN ACT TO APPOINT A MEMBER OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. Pursuant to the provisions of Section 2 of Chapter 113 of the Public Laws of the Extra Session of 1921, O. Lee Allen is hereby re-elected and appointed a member of the Board of Water Commissioners of the City of Hendersonville for a term of six (6) years. The term of office shall begin at the expiration of the present term to which he was elected by the remaining members of the board upon the resignation of former member Z. C. Byers.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

H. B. 179 CHAPTER 117

AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO OPERATE AN AIR TRANSPORTATION SERVICE PROVIDING AIR TRANSPORTATION OF PASSENGERS AND PROPERTY, INCLUDING MAIL WITHIN AND WITHOUT THE STATE OF NORTH CAROLINA IN A TERRITORY WITHIN A RADIUS OF SIXTY-FIVE MILES OF ANY MUNICIPAL AIRPORT OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. The City of Charlotte is hereby authorized to operate an Air Transportation Service providing air transportation of passengers and/or property, including mail, within and without the State of North Carolina.

Sec. 2. The territory that the City of Charlotte is authorized to serve by such Air Transportation Service shall not extend, except in cases of emergency, beyond the territory within a radius of sixty-five (65) miles of any airport owned and/or operated by the City of Charlotte.

Sec. 3. The City of Charlotte is authorized to make application to any department or agency of the United States, or any state that has, or may have authority over the issuance of franchises or certificates in connection with air transportation in the territory referred to in Section 2 hereof, and any action heretofore taken by the City of Charlotte with respect thereto is hereby ratified, affirmed and approved.

Sec. 4. The City of Charlotte is authorized to make contracts with respect to such air transportation with any person or any government or agency thereof, and may assign or lease any franchise or certificate it may be granted or hold in connection with such Air Transportation Service.

Sec. 5. The City of Charlotte may purchase and own stock in or the bonds of any company to which it may lease or assign any franchise or certificate in connection with such Air Transportation Service.

Sec. 6. The City of Charlotte is authorized to expend non-tax funds in connection with such Air Transportation Service.

Sec. 7. This Act shall apply only to the City of Charlotte.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

H. B. 185 CHAPTER 118

AN ACT TO AUTHORIZE THE REASSESSMENT AND REVALUATION OF REAL PROPERTY IN WILSON COUNTY FOR AD VALOREM TAX PURPOSES AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WILSON COUNTY TO EMPLOY EXPERTS AND TO ENTER INTO THE NECESSARY CONTRACTS FOR SAID SERVICE AND TO AUTHORIZE THE LEVYING OF A SPECIAL TAX THEREFOR.

WHEREAS, Wilson County has not had an actual and thorough reassessment, revaluation and reappraisal of the real property in said county for ad valorem tax purposes for a long number of years, which has resulted in real property tax valuations in said county becoming seriously unequalized and many inequities exist, which result in a great many persons, firms and corporations not being required to pay their fair share of taxes because of said property valuations; and

WHEREAS, there have resulted many unjust situations whereby many new improvements constructed in recent years on real estate may be escaping taxation or may be assessed or assigned to valuation, if on the tax books, at a disproportionate valuation in comparison with other properties;

and likewise there may exist various situations wherein vacant properties are on the tax books at the present valuation as vacant property, and many valuable residences and buildings of other nature have been constructed on said property, and various types of situations exist with reference to the real estate in said county which result in the inequitable and unjust situations as between various classes, kinds, and types of taxpayers, as related to their properties; and

WHEREAS, because of the magnitude of the task involved in effectuating a complete, thorough, just and proper revaluation and reassessment of property in Wilson County the expenses thereof might have to be made from the proceeds of a special tax levy, such expenses not being ordinarily an annual recurring expense which is ordinarily provided for in the annual budget of the county, and it is necessary to employ trained experts, skilled in appraising and fixing valuations of property who have no personal interest in the property in the county and will, therefore, not be subjected to various pressures and influences; and

WHEREAS, this process of reassessment and revaluation will take considerable time and it will be necessary to enter into contracts with experts, to set up and operate revaluation machinery, and it is desired that said contracts shall exist for a sufficient length of time and that authority be vested in the board of commissioners to enter into said contract, and that funds be accumulated and that the county auditor be authorized to approve the vouchers necessary for the payment of said expenses: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Wilson County is hereby authorized, in its discretion, to order and carry through a complete reassessment and revaluation of all of the taxable real property, including any and all buildings, improvements and fixtures thereon located in the County of Wilson, for ad valorem tax purposes. The assessment and revaluation, except as herein provided, may be effectuated in the same manner as regular quadrennial reassessments and revaluations are carried out under the provisions of subchapter II of Chapter 105 of the General Statutes, as amended, and all the provisions of said subchapter II of Chapter 105 of the General Statutes, except as hereinafter provided, shall apply to such revaluation and reassessment.

Sec. 2. The said revaluation and reassessment herein authorized shall be initiated, carried out and completed to the end that said new revaluations and said new reassessments shall be available and in force and effect at the time taxes are levied in the year 1959, but if said revaluation and reassessment is not completed and available before the time of levying taxes in 1959, then taxes may be levied on the basis of such revaluation and such reassessment in any appropriate tax year in which said revaluations and reassessments have been completed and are available for use as a basis for taxation.

Sec. 3. The county board of equalization and review shall convene and hold its first meeting on the third Monday following the completion of said

revaluation and assessment, and may adjourn from time to time as its duties may require; but it shall complete its duties not later than the third Monday following its first meeting.

Sec. 4. In order to defray the extraordinary expenses of carrying through the reassessment and revaluation authorized in this Act, the Board of Commissioners of Wilson County is hereby authorized in its discretion to levy in the fiscal year 1959-60 a special tax not in excess of eight cents (8¢) on each one hundred dollars ($100.00) valuation of property in said County of Wilson. The proceeds derived from said taxes shall be placed in a special fund and accumulated for the purpose of defraying the cost and expenses of said revaluation and reassessment and said Board of County Commissioners of Wilson County is authorized and empowered at any time to appropriate said funds and spend the same in their discretion for the purpose of effectuating said revaluation and reassessment authorized by this Act. The said board of county commissioners is authorized and empowered to enter into any and all necessary contracts to procure the services of engineers, firms, appraisers, experts and any and all necessary assistance which in the discretion of said board is found to be proper and necessary. The said Board of County Commissioners of Wilson County is authorized to enter into contracts for said purposes and to procure said assistance and experts and if necessary said contracts shall extend beyond the term of office of any member of said board, and beyond the end of any fiscal year, and whether or not sufficient funds have been accumulated at the time of entering into said contracts to pay off and discharge the obligations for the services contemplated by said contracts, and the said County Auditor of Wilson County is hereby authorized to countersign and approve vouchers for the application and payment of funds on said contracts whether or not all of the tax funds and proceeds herein authorized have been accumulated at any one time to pay off and discharge all of the monies due or that may become due on said contracts, and said county auditor shall not be liable, either civilly or criminally, for approving said vouchers as provided by this Act. The Board of County Commissioners of Wilson County in addition to the experts and appraisers may employ any and all necessary clerical assistance and provide machinery, equipment and office fixtures for the purpose of said revaluation and reassessment.

Sec. 5. In the event there shall remain any excess of funds from the proceeds of said tax levy after revaluations and reassessments are in effect and all taxes paid, then such excess shall be paid into the general fund of the county.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

H. B. 214 **CHAPTER 119**

AN ACT TO AMEND THE CHARTER OF THE CITY OF THOMASVILLE BY RE-DEFINING THE BOUNDARIES OF THE FOUR WARDS OF THE CITY OF THOMASVILLE.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 196 of the Private Laws of 1929, as amended by Chapter 248 of the Session Laws of 1949, is hereby amended by striking out all of subsections (a), (b), (c) and (d) thereof and inserting in lieu thereof the following new subsections:

"(a) FIRST WARD: The First Ward shall contain the territory within the following boundaries, to wit: Being all that territory located North of the North Carolina Railroad and East of Salem Street as said Salem Street is extended to the present city limits of the City of Thomasville.

"(b) SECOND WARD: The Second Ward shall contain the territory within the following boundaries, to wit: Being all that territory located North of the North Carolina Railroad and West of Salem Street as said Salem Street is extended to the present city limits of the City of Thomasville.

"(c) THIRD WARD. The Third Ward shall contain the territory within the following boundaries, to wit: Being all that territory located South of the North Carolina Railroad and West of Randolph Street and North Carolina Highway No. 109 within the present city limits of the City of Thomasville.

"(d) FOURTH WARD: The Fourth Ward shall contain the territory within the following boundaries, to wit: Being all that territory located South of the North Carolina Railroad and East of Randolph Street and North Carolina Highway No. 109 and North of North Carolina Highway No. 62 within the present city limits of the City of Thomasville. For the purposes of elections, the City of Thomasville shall be divided into such precincts as the City Council may create."

Sec. 2. All remaining portions of said Section 3 of Chapter 196 of the Private Laws of North Carolina for 1929 as amended by Chapter 248 of the Session Laws of 1949 shall remain in full force and effect.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

H. B. 217 CHAPTER 120

AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARDS OF EDUCATION OF THE RESPECTIVE COUNTIES OF NORTH CAROLINA AND TO FIX THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That the hereinafter named persons are hereby appointed members of the County Boards of Education for the several counties in the State as follows, to wit:

Alamance: George C. Neal, for a term of six years.

Alexander: Leslie C. Millsaps, Hal Teague, each for a term of six years.

Alleghany: Arthur Gambill, for a term of four years.

Anson: F. A. Huntley, for a term of two years.

Ashe: Arthur Rose, B. E. Sturgill, G. O. Burgess, C. E. Francis, R. R. Badger, Clyde Houck, each for a term of two years.

Avery: John Frank Hampton, for a term of six years.

Beaufort: Ralph H. Hodges, Ernest L. Slack, W. Bernard Voliva, each for a term of four years; John Henry Singleton, for a term of two years.

Bertie: A. J. Jilcott, for a term of six years.

Bladen: R. C. Bridger, H. L. Kendall, James C. Green, G. Sloan Council, J. Elliot Henry, each for a term of two years.

Brunswick: Thomas St. George, Chandler Rourk, Roy G. Sellers, each for a term of four years.

Buncombe: Mrs. Ben W. Davis, Charles C. Bell, each for a term of six years.

Burke: George W. Williams, Perry Abernethy, each for a term of six years.

Cabarrus: H. E. Cline, Stuart J. Black, each for a term of six years.

Camden: C. H. Lamb, J. C. Burgess, W. F. Williams, each for a term of two years.

Carteret: George Roberts Wallace, William Bonner Allen, each for a term of six years.

Catawba: J. C. Howard, Carroll M. Barringer, each for a term of six years.

Chatham: Lewis Norwood, James L. Griffin, K. G. Clapp, Zeb Harrington, W. C. Brewer, Sr., each for a term of two years.

Cherokee: Noah Hembree, A. B. Chandler, Jr., each for a term of six years.

Chowan: G. B. Potter, J. I. Boyce, D. H. Berryman, G. E. Nixon, Carey Evans, Murray Baker, each for a term of two years.

Clay: Paul Caler, for a term of six years.

Cleveland: J. D. Ellis, Walter Davis, D. C. Forney, Jr., Edwin Moore, W. H. Lutz, each for a term of two years.

Craven: J. Macon Miller, C. L. Powell, J. L. Peterson, Leslie R. Sermons, Forrest Daughtery, Larry B. Pate, C. A. Seifert, Roger R. Bell, each for a term of two years.

Cumberland: E. L. Maxwell, Alton E. Smith, Howard L. Hall, each for a term of four years.

Currituck: C. N. Wright, L. L. Dozier, Jr., Wallace E. Davis, James H. Ferebee, Sam W. (Little) Sanderlin, each for a term of two years.

Dare: Robert O. Ballance, Helen S. Briggs, Shelly Frontis, Floyd Hooper, Charles T. Williams, III, each for a term of two years.

Davidson: D. Clarence Sink, Mrs. C. L. White, Jr., each for a term of four years.

Davie: John Boyce Cain, Harry Richard Allen, each for a term of six years.

Duplin: William F. Dail, for a term of six years.

Durham: L. R. Chambers, L. A. Downey, John M. Dozier, Kenneth C. Royall, Jr., Paul Wright, Jr., each for a term of two years.

Edgecombe: Alfonso F. Felton, C. W. Mayo, each for a term of six years.

Franklin: Mrs. Tollie H. Weldon, Horace W. Baker, each for a term of six years.

Gaston: Edwin Rudisill, W. J. Pharr, each for a term of six years; Ray Craig, for a term of two years.

Gates: S. P. Cross, for a term of six years.

Graham: Harvey J. Odom, Wayne Marcus, each for a term of four years; Arnold Allen, Carl Jenkins, J. Arthur Rogers, each for a term of two years.

Granville: Dr. James F. Pruitt, B. T. Strother, C. Hesley Clark, each for a term of four years.

Greene: Mrs. Sara M. Stocks, P. L. Barrow, H. Maynard Hicks, W. H. Graves, Moses M. Jones, each for a term of two years.

Guilford: Howard E. Carr, John R. Peacock, each for a term of six years.

Halifax: C. M. Moore, Jr., Mrs. J. C. Shearin, Jeff Whitehead, C. L. Kelly, Mrs. Robert B. Robinson, Henry L. Harrison, C. H. Leggett, Jr., each for a term of two years.

Harnett: J. R. Baggett, Jr., Haywood Roberts, each for a term of six years; McBryde Cameron, for a term of two years.

Haywood: Hugh Ratcliffe, Clifton S. Terrell, each for a term of four years.

Henderson: L. C. Youngblood, for a term of six years.

Hertford: William R. Raynor, R. C. Mason, Jr., George E. Gibbs, each for a term of two years.

Hoke: Neill L. McFadyen, D. R. Huff, Jr., Walter L. Gibson, Daniel M. McInnis, Robert H. Gatlin, each for a term of two years.

Iredell: J. C. Murdock, for a term of six years; Flake W. Millsaps, Robert L. Bradford, each for a term of four years; Mrs. Fred B. Bunch, Jr., W. B. Harris, Jr., each for a term of two years.

Jackson: George Lee, W. R. Enloe, Burke Buchanan, John Hooper, Tom Dillard, each for a term of two years.

Johnston: Norman Grantham, E. W. Ellis, each for a term of six years.

Jones: J. C. West, Jr., C. J. Banks, W. E. Philips, J. J. Conway, J. C. Wooten, each for a term of two years.

Lee: J. B. Cameron, for a term of six years.

Lenoir: Elmer S. Wooten, A. Forrest Waller, J. Melvin Jones, Earl W. Kinsey, Lewis Smith, each for a term of two years.

Lincoln: Junious W. Dellinger, Pat H. Harrill, C. Rhyne Little, Coy F. Lantz, Franklin L. Beam, each for a term of four years.

Macon: Erwin Patton, George Gibson, Charles C. Sutton, each for a term of two years.

Martin: Exum L. Ward, Charlie G. Forbes, each for a term of four years.

McDowell: Eugene Brown, Ransom Simmons, each for a term of six years; Guy Lee Hensley, for a term of two years.

Mecklenburg: David W. Harris, R. Lacy Ransom, each for a term of six years.

Mitchell: Harper Wilson, for a term of six years; Maloy Griffith, for a term of four years.

Montgomery: Ernest King, Jr., Howard Dorsett, J. A. Burt, each for a term of four years.

Moore: T. Roy Phillips, J. A. Culbertson, Roland Upchurch, W. H. Matthews, Jere N. McKeithen, each for a term of two years.

New Hanover: Dr. W. C. Mebane, S. Bryan Broadfoot, Mrs. R. M. Piver, each for a term of four years.

Northampton: Scott Bowers, John Wesley Parker, C. G. Parker, Ralph Britt, G. L. Ricks, Ellis Crew, W. C. Connor, each for a term of two years.

Onslow: Clyde F. Hurst, Leon E. Rowe, Sr., Basil B. Hurst, Sterling D. Grant, Ormond Barbee, each for a term of two years.

Orange: Ross Porter, for a term of six years.

Pamlico: James A. Tingle, Bert C. Day, Troy D. Potter, Glen C. Woodard, George R. Brinson, each for a term of two years.

Pasquotank: Charles L. Saunders, W. T. Old, each for a term of two years; J. H. LeRoy, Carrol Brothers, J. H. Bright, each for a term of four years.

Pender: J. J. Smith, M. F. Kelly, Howard Holly, each for a term of four years.

Perquimans: Mrs. Jack Brinn, Dr. A. B. Bonner, Charles M. Harrell, Clarence Chappell, Sr., Howard Matthews, each for a term of two years.

Person: Clyde T. Satterfield, Earl Bradsher, Jr., J. E. Hester, Floyd Hicks, Sr., W. J. Hall, each for a term of two years.

Pitt: G. E. Trevathan, T. G. Worthington, each for a term of six years.

Polk: William A. Burgess, Jr., Edwin C. Leland, Oliver Taylor, T. B. Odell, Glenn York, each for a term of two years.

Randolph: A. A. Walker, for a term of two years; Thomas S. Bouldin, Jack P. Shoffner, each for a term of six years.

Richmond: Jack Land, for a term of six years.

Robeson: Girvon Sessoms, W. Kemp Culbreth, each for a term of four years.

Rockingham: Otis P. Joyce, J. L. Roberts, J. Kenneth Thomas, T. W. Pearman, Jess S. Moore, Jr., each for a term of two years.

Rowan: J. F. Harrelson, H. Lamar Trexler, Sr., each for a term of six years.

Rutherford: Dr. Ernest H. Yelton, Henry Miller, each for a term of four years; Mrs. Dorothy Calhoun Crenshaw, Dr. Beaty L. Bass, each for a term of two years.

Sampson: W. L. Kennedy, R. Geddie Herring, Dr. A. N. Johnson, James A. Parker, B. E. Lockamy, each for a term of two years.

Scotland: W. G. Shaw, Jr., for a term of six years; J. Mason McGregor, for a term of four years; J. L. Morgan, for a term of two years.

Stanly: Claude Teeter, for a term of four years.

Stokes: J. Van Tuttle, for a term of six years; Dr. I. A. Booe, for a term of four years.

Surry: Joe M. Folger, Joe A. Pell, Cecil E. Ring, each for a term of four years.

Transylvania: Thomas E. Ramsey, for a term of six years.

Tyrrell: O. B. Cohoon, Harvey Davis, Collon Snell, each for a term of two years.

Union: R. F. Beasley, Jr., James L. Davis, V. A. Moore, each for a term of four years.

Vance: Otha Wright, Robert C. Young, each for a term of four years.

Wake: Henry R. Adams, for a term of four years; Clifton L. Benson, W. M. Satterwhite, each for a term of six years.

Warren: W. Boyd Mayfield, H. M. Hardy, Robert C. Gupton, G. E. Harvey, Eugene R. Davis, each for a term of two years.

Washington: Sidney J. Hassell, W. Russell Owens, each for a term of six years.

Watauga: H. W. Mast, Jr., Dr. Charles Devant, Dr. J. D. Whitener, each for a term of two years.

Wayne: Mrs. C. B. Strickland, A Worth Aycock, each for a term of six years.

Wilkes: Richard T. Chatham, Jr., for a term of six years; Clyde Beshears, for a term of two years.

Wilson: M. V. Wilkerson, for a term of six years; S. H. Tyson, for a term of four years; L. A. Renfrow, for a term of two years.

Yadkin: A. V. Shore, G. C. Wallace, H. A. Taylor, each for a term of two years.

Yancey: J. Leland Robinson, M. D. Bailey, C. Rex McIntosh, each for a term of four years.

Sec. 2. That the members of the several County Boards of Education appointed by this Act shall qualify by taking the oath of office on or before the first Monday in April, 1959, and shall, unless otherwise herein provided, hold office until the first Monday in April, 1961, and until their successors are elected and qualified, and together with the members of the Boards of Education of the several counties whose terms will not expire on the first Monday in April, 1961, shall constitute the Boards of Education of the respective counties.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

H. B. 228 CHAPTER 121

AN ACT TO AMEND CHAPTER 68 OF THE PRIVATE LAWS OF 1913 RELATING TO THE CHARTER OF THE CITY OF HICKORY IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 68 of the Private Laws of 1913 is hereby amended as follows:

1. (a) Article II, Section 7(c), is amended by striking out the word "manager" immediately following the word "city" and immediately preceding the word "to", in line one of said subsection, and inserting in lieu thereof the word "clerk".

(b) Article II, Section 7(j), is amended by striking out the word "manager" immediately following the word "city" and immediately preceding the word "shall", in line one of said subsection, and inserting in lieu thereof the word "clerk".

(c) Article II, Section 8, is amended by striking out the word "manager", immediately following the word "city" in line one and immediately preceding the word "shall", in line two of said Section, and inserting in lieu thereof the word "clerk".

(d) Article II, Section 9, is amended by striking out the word "manager" in lines one, four and twenty-four of said Section, and inserting in lieu thereof the word "clerk".

(e) Article II, Section 11, is amended by striking out the word "manager" at the end of line six of said Section, and inserting in lieu thereof the word "clerk".

(f) Article II, Section 17, is amended by striking out the word "manager" at the end of line six of said Section, and inserting in lieu thereof the word "clerk".

2. (a) Article IV, Section 10, is amended by striking out the word "manager" immediately following the word "city" and immediately preceding the word "in" in line five of said Section, and inserting in lieu thereof the word "clerk".

(b) Article IV, Section 13(e), is rewritten to read, "To create, change, consolidate, and abolish offices, departments or agencies other than the offices, departments and agencies established by this charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this charter, but may not discontinue or assign to any other office, department or agency any function or duties assigned by this charter to a particular office, department or agency."

3. Article VI, Section 5, is amended by striking out the last sentence of said Section in its entirety.

4. A new Article, immediately following Article VI, is hereby added to read as follows:

"Article VI—A

"The City Clerk

"Section 1. The council shall elect an officer who shall have the title of city clerk, shall give notice of its meetings, keep a journal of its proceedings and have the power to authenticate by his signature all contracts, licenses and other public documents on behalf of the city. The city clerk shall be custodian of all city records, shall record in full in a book kept for the purpose of all ordinances and resolutions, and shall perform such other duties as shall be required by the council."

5. Article VIII, Section 1, is rewritten to read, "The street department of the City of Hickory shall be composed of such officers and employees, acting under direction of the city manager, as the city council may deem necessary to execute the duties of the department."

6. Article VIII, Section 2, is amended by striking out the words "city manager" in line one, and substituting in lieu thereof the words "head of the streets and street department".

7. Article VIII, Section 3, is amended by striking out the words "city manager" in lines six, seven and nine, and substituting in lieu thereof the words "head of the streets and street department".

8. Article IX, Section 7, is amended by striking out the words "to collect all fines and penalties imposed and pay the same to the clerk of the municipal court" immediately following the semicolon in line six and immediately preceding the semicolon in line eight of said Section.

9. Article XII, Section 2, is rewritten to read, "The waterworks and sewerage department of the City of Hickory shall be composed of such officers and employees, acting under direction of the city manager, as the city council may deem necessary to execute the duties of the department".

10. Article XII, Section 4, is amended by striking out the words "city manager" in line one immediately following the word "The", and substituting in lieu thereof the words "head of the waterworks and sewerage department".

11. Article XIII, Section 2, is amended by striking out the word "manager" immediately following the word "city" and immediately preceding the word "and" in line five of said Section, and substituting in lieu thereof the word "clerk".

12. Article XIII, Section 4, is amended by striking out the words "be the" immediately following the word "shall" and immediately preceding the word "purchasing" in line one, and inserting in lieu thereof the words "appoint a".

13. Article XVII, Section 5(b), is amended by striking out the words "of the city treasurer" immediately following the word "office" in line three and immediately preceding the word "accompanied" in line four of said subsection, and inserting in lieu thereof the word "city", between the words "the" and "office" at the end of line three of said subsection.

14. Article XVII, Section 10, is amended by striking out the words "the chief of police and daily paid by him to" at the beginning of line eight of said Section.

Sec. 2. All laws and classes of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

H. B. 244 CHAPTER 122

AN ACT AUTHORIZING THE TOWN OF ORIENTAL TO APPROPRIATE TO THE PAMLICO COUNTY BOARD OF EDUCATION, NON-TAX REVENUES TO SUPPLEMENT THE SALARIES OF THE TEACHERS IN THE ORIENTAL SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the Town of Oriental in Pamlico County be, and it is hereby, authorized and empowered in its discretion to appropriate to the Pamlico County Board of Education, surplus non-tax paid revenues for the purpose of supplementing the salaries of the teachers in the Oriental Elementary School for the fiscal year beginning July 1, 1959 and thereafter.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

H. B. 245 CHAPTER 123

AN ACT REWRITING SECTION 4 OF CHAPTER 937, SESSION LAWS OF 1949 SO AS TO AUTHORIZE THE SHERIFF OF PAMLICO COUNTY TO APPOINT DEPUTIES AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY TO FIX THE COMPENSATION OF SUCH DEPUTIES.

The General Assembly of North Carolina do enact:

Section 1. That Section 4 of Chapter 937, Session Laws of 1949, be and the same is hereby rewritten to read as follows:

"Sec. 4. The Sheriff of Pamlico County is hereby authorized to appoint, and the board of commissioners of said county is authorized to fix the salary or other compensation of so many full-time or part-time deputies as said sheriff and the board of county commissioners shall find necessary; and said board of commissioners is authorized to pay the salaries or other compensation of such deputies from the general fund of the county."

Sec. 2. All actions on the part of the Sheriff of Pamlico County in appointing more than one full-time deputy and all actions on the part of

the Board of Commissioners of Pamlico County in authorizing compensation for more than one deputy sheriff for said county, are hereby in all respects confirmed and validated.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

S. B. 44

CHAPTER 124

AN ACT TO AMEND G. S. 60-84 AND G. S. 60-87 RELATING TO COMPANY POLICE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 60-84 is hereby rewritten to read as follows:

"§ 60-84. Oath, bond, and powers of company police. Every policeman so appointed shall, before entering upon the duties of his office, take and subscribe the usual oath. Such policemen shall severally possess, within the limits of each county in which the railroad or motor vehicle carrier for which such policemen are appointed may run or in which the company may be engaged in work or business, all the powers of policemen in the several towns, cities and villages in any such county: Provided, that every policeman appointed under this and § 60-83 shall, before entering upon the duties of his office, file in the Governor's office a bond in the sum of five hundred dollars ($500.00), payable to the State of North Carolina, conditioned upon the faithful performance of the duties of his office. This bond may be in cash, or it may be executed by a surety company duly authorized to transact business in this State, or it may have at least two individual sureties each owning real estate in this State, and together having equities in such real estate over and above any encumbrances thereon equal in value to at least twice the amount of such bond: Provided, that where individual sureties are used, the sufficiency of each such surety must be passed upon and approved by the Clerk of the Superior Court of the county in which the surety resides."

Sec. 2. G. S. 60-87 is hereby amended by striking out the words "and the office of the Utilities Commission" in lies three and four thereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

H. B. 8 CHAPTER 125

AN ACT RELATING TO QUALIFICATION OF ELECTORS TO VOTE IN THE CITY OF LEXINGTON, DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 8 of Chapter 5 of the Public-Local Laws of 1941 is amended by striking out in line 3 thereof the words and figure "four (4) months" and inserting in lieu thereof the words and figures "thirty (30) days". Said Section is further amended by striking out in line 7 the word "four". Said Section is further amended by striking out in line 11 the words and figure "four (4) months" and inserting in lieu thereof the words and figures "thirty (30) days".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

H. B. 107 CHAPTER 126

AN ACT TO AMEND G. S. 148-33.1, RELATING TO THE SENTENCING, QUARTERING AND CONTROL OF PRISONERS WITH WORK-DAY RELEASE PRIVILEGES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 148-33.1, as the same appears in the 1957 Cumulative Supplement of the General Statutes, is amended by rewriting subsections (a), (b), (c) and (d) to read as follows:

"(a) Whenever a person is sentenced to imprisonment for a term not exceeding five years to be served in the State prison system, the presiding judge of the sentencing court may recommend to the State Prison Department that the prisoner be granted the option of serving the sentence under the work release plan as hereinafter authorized.

"(b) The Board of Paroles of this State may authorize the State Prison Department to grant work release privileges to any inmate of the State prison system serving a term of imprisonment not exceeding five years: Provided, in any case where the inmate being considered for work release privileges has not yet served a fourth of his sentence if determinate or a fourth of his minimum sentence if indeterminate, the Board of Paroles shall not authorize the Prison Department to grant him work release privileges without considering the recommendations of the presiding judge of the court which imposed the sentence.

"(c) The State Prison Department shall from time to time, as the need becomes evident, designate and adapt facilities in the State prison system for quartering prisoners with work release privileges apart from prisoners serving regular sentences. In areas where facilities suitable for this purpose are not available within the State prison system when needed, the State

Prison Department may contract with the proper authorities of political subdivisions of this State for quartering in suitable local confinement facilities prisoners with work release privileges. No prisoner shall be granted work release privileges until suitable facilities for quartering him apart from other prisoners have been provided in the area where the prisoner has employment or the offer of employment.

"(d) The State Prison Department is authorized and directed to establish a work release plan under which an eligible prisoner may be released from actual custody during the time necessary to proceed to the place of his employment, perform his work, and return to quarters designated by the prison authorities. No prisoner shall be granted work release privileges except upon recommendation of the presiding judge set forth in the judgment of imprisonment or written authorization of the Board of Paroles. If the prisoner shall violate any of the conditions prescribed by prison rules and regulations for the administration of the work release plan, then such prisoner may be withdrawn from work release privileges, and the prisoner may be transferred to the general prison population to serve out the remainder of his sentence. Rules and regulations for the administration of the work release plan shall be established in the same manner as other rules and regulations for the government of the State prison system."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

H. B. 144 CHAPTER 127

AN ACT TO AMEND G. S. 15-203 RELATING TO THE DUTIES OF THE DIRECTOR OF PROBATION, SO AS TO AUTHORIZE THE DIRECTOR OF PROBATION TO REQUEST EXTRADITION THROUGH THE OFFICE OF THE GOVERNOR.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-203, as the same appears in Volume 1C of the General Statutes, is hereby amended by inserting the following sentence at the end of said Section:

"He is authorized to present to the Governor written applications for requisitions for the return of probationers who have broken the terms of their probation, and are believed to be in another state, and he shall follow the procedure outlined for requests for extradition as set forth in G. S. 15-77."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

H. B. 168 **CHAPTER 128**

AN ACT TO AMEND SECTION 3 OF CHAPTER 1062 OF THE 1953 SESSION LAWS AS HERETOFORE AMENDED BY CHAPTER 565 OF THE SESSION LAWS OF 1955 RELATING TO THE CORPORATE LIMITS OF THE CITY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 1062, Session Laws of 1953 as amended, is hereby amended by striking out the entire Section and inserting in lieu thereof the following:

"Sec. 3. The corporate limits of the City of Elizabeth City shall be as follows:

"Beginning at a point on the Pasquotank River in the center line of the southern mouth of Knobbs Creek, thence up the center line of said creek to the intersection of the center line thereof with the northwardly prolongation of the East line of Fourth Street, thence southwardly along the northerly prolongation of the East side of Fourth Street to the North side of the right of way of the Norfolk Southern Railroad, thence westwardly and southwardly along the northward and westward side of said right of way of the Norfolk Southern Railroad to a point 1120 feet South of the South side of Main Street, thence eastwardly parallel with the South side of Main Street to the East side of what was formerly the old North Carolina State Highway, thence southwardly along the East side of what was formerly the old North Carolina State Highway to the North side of Church Street Extended, thence eastwardly along the North side of Church Street Extended to the East side of Hughes Boulevard to the center line of the Norfolk and Southern (formerly Suffolk and Carolina) Railroad spur track, thence eastwardly along the center line of said railroad to a point 150 feet westwardly from the West side of Pritchard Town Road, measured along the center line of said railroad, thence southwardly parallel with Pritchard Town Road and distant 150 feet westwardly therefrom to the North side of Ehringhaus Street, thence eastwardly along the North side of Ehringhaus Street to the center line of the United States Government railroad track, thence southwardly along the center line of said railroad track to a point 150 feet South of the South side of Walkers Avenue, thence South 81 degrees 30 minutes East to the southwest corner of the P. W. Moore School grounds at the northwest side of Roanoke Avenue, thence southeastwardly at right angles to Roanoke Avenue, crossing same to the southeast side thereof, thence along the South side of Roanoke Avenue South 47 degrees 30 minutes West 380 feet to an iron pipe, thence South 88 degrees 30 minutes East 1100 feet to the northwest corner of the Highland Park Cemetery, thence South 5 degrees West 350 feet to the southwest corner of the Highland Park Cemetery, thence along the South side of said cemetery South 89 degrees East 400 feet to a point on the East side of Peartree Road, thence southwardly along the East side of Peartree Road to the southwest corner of the Colored cemetery, thence along the South side of the Colored cemetery to the center line of a branch known as Herrington Run, thence southwardly along the center line of said run, a

distance of 200 feet, more or less, to an iron pipe at the southwest corner of the F. T. Bray-C. W. Price property, thence eastwardly along the South line of said property to the mouth of a ditch, thence North 80 degrees East along the center line of said ditch, a distance of 450 feet to a point 150 feet West of the Weeksville Road, measured at right angles to the Weeksville Road, thence southwardly parallel to the Weeksville Road and distant 150 feet westwardly therefrom a distance of 1200 feet, thence northeastwardly to the point of intersection of the East side of Weeksville Road with the East side of Poorhouse Road, thence southwardly along the East side of Weeksville Road a distance of 270 feet, thence northeastwardly parallel to Poorhouse Road along a line which is distant 200 feet southeastwardly from Poorhouse Road measured at right angles thereto a distance of 1670 feet to the South side of Southern Avenue, thence eastwardly along the South side of Southern Avenue 1560 feet to the northeast corner of the Elizabeth City State Teachers College property, thence southwardly along the East line of said college property a distance of 1780 feet, thence South 57 degrees 41 minutes East 1040 feet to the West line of Lot 27 Block E of the Edgewood Subdivision as per map in Map Book 1 at page 159, thence South 5 degrees 55 minutes West 100 feet, thence South 5 degrees 21 minutes West 91 feet, thence South 19 degrees 27 minutes West 1454.8 feet to a point on the West side of Edgewood Drive, thence crossing Edgewood Drive North 20 degrees 22 minutes East 600 feet, thence North 71 degrees 57 minutes East 1079 feet, thence North 9 degrees 6 minutes West 1073 feet, thence South 84 degrees 32 minutes East 458.9 feet, thence North 73 degrees 23 minutes East 153 feet, thence North 30 degrees 42 minutes East 194 feet to the middle of a run, thence northeastwardly along the center of said run to the northeast corner of Lot 16 of the Edgewood Subdivision as per plat recorded in Map Book 1 at page 111, thence North 55 minutes East 390 feet to a point on the northeast side of Rivershore Road at the southwest corner of Section B of Winslow Acres, thence eastwardly along the South boundary of Section B of Winslow Acres the following distances: 352.52 feet to an angle, 504.75 feet to an angle, and 863 feet to the southeast corner of said Section, thence northwardly along the East line of said Section and the northwardly prolongation thereof to the shore of Pasquotank River, thence northwardly across Pasquotank River to a point opposite what was formerly the center of the southern mouth of Glovers Cut and 300 feet thereform, thence westwardly to the southwest point of Machellhe Island (sometimes known as Goat Island), thence westwardly, northwardly and eastwardly following the shore line of said island to a point in said shore line 300 yards from what was formerly the North mouth of Glovers Cut, thence northwestwardly to the point of beginning in the center line of the southern mouth of Knobbs Creek."

Sec. 2. All real and personal property and persons subject to the poll tax within the territory described in Section 1 which were not within the corporate limits prior to the effective date of this Act shall be listed for municipal taxation purposes as of January 1, 1960 and shall be subject to municipal taxes levied for the fiscal year 1960-1961.

Sec. 3. As of July 1, 1959, municipal services, except such utility services as are supervised and furnished by the Public Utility Commission of the City of Elizabeth City, shall be extended to the territory described in Section 1 which was not within the corporate limits prior to July 1, 1959, and such services shall be comparable to the services furnished elsewhere in the city.

Sec. 4. If any part of this Act shall be declared invalid or unconstitutional by a court of competent jurisdiction, such shall not invalidate the remainder hereof, each Section being declared to be separable and without dependence one upon the other.

Sec. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

H. B. 216 CHAPTER 129

AN ACT TO AMEND THE CHARTER OF THE CITY OF THOMASVILLE BY DEFINING THE CORPORATE LIMITS OF THE CITY TO INCLUDE THE AREAS ANNEXED PRIOR TO DECEMBER 31, 1958.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 196 of the Private Laws of 1929 is hereby rewritten to read as follows:

"Sec. 2. The corporate limits of the City of Thomasville shall be as follows, to wit:

"Beginning at the southwest corner of the old city limits of Thomasville, North Carolina, said corner being monument number 1; thence North 24 degrees 26 minutes 40 seconds West 993.90 feet to a new monument number 6, said monument being at the intersection of the old city limit line and the line of the Lambeth Knolls Subdivision; thence with the old city limit line and through the orphanage property North 24 degrees 26 minutes 40 seconds West 114.97 feet to an old monument number 7; thence with the old city limit line and through the orphanage property North 24 degrees 26 minutes 40 seconds West 773.61 feet to an old monument number 8; thence with the old city limit line and continuing through the orphanage property North 24 degrees 26 minutes 40 seconds West 256.64 feet to an old monument number 9; thence with the old city limit line and continuing through the orphanage property North 24 degrees 26 minutes 40 seconds West 1,273.07 feet to an old monument number 10; thence with the old city limit line and continuing through the orphanage property North 24 degrees 26 minutes 40 seconds West 344.77 feet to a new monument number 11, being in the South margin of Johnson Town Road; thence with the South margin of Johnson Town Road South 56 degrees 02 minutes 30 seconds West 380.83 feet on a new line to a new monument number 12; thence with the South margin of Johnson Town Road South 57 degrees 08 minutes

40 seconds West 290.28 feet on a new line to a new monument number 13; thence with the South margin of Johnson Town Road South 55 degrees 30 minutes 30 seconds West 383.81 feet on a new line to a new monument number 14; thence a new line across Johnson Town Road North 32 degrees 23 minutes 00 seconds West 60.12 feet to a new monument number 15, which is in the North margin of Johnson Town Road and approximately 150 feet West of King Row; thence with an existing property line North 32 degrees 23 minutes 00 seconds West 353.06 feet to a new monument number 16; thence on a new line across the property of H. B. Finch North 07 degrees 47 minutes 20 seconds West 805.37 feet to a new monument number 17 which is in the South margin of the North Carolina Railroad right-of-way; thence along the South margin of the North Carolina Railroad right-of-way South 74 degrees 59 minutes 50 seconds West 187.34 feet to a new monument number 18; thence on a curve with the North Carolina Railroad South 74 degrees 59 minutes 50 seconds West 279.59 feet to the point of intersection of tangents to the curve and South 78 degrees 53 minutes 50 seconds West 279.59 feet to a new monument number 19 being 558.96 feet on the curve with the South margin of the North Carolina Railroad right-of-way; thence across the North Carolina Railroad on a new line North 04 degrees 25 minutes 50 seconds East 208.18 feet to a new monument number 20 which is in the North margin of the North Carolina Railroad right-of-way; thence with the West margin of Pineywood Road as shown on Myers Park Subdivision Plat Section Number 3 North 04 degrees 25 minutes 50 seconds East 539.45 feet to a new monument number 21, said monument being the southwest corner of Meadowbrook Avenue and Pineywood Road; thence across Meadowbrook Avenue North 04 degrees 25 minutes 50 seconds East 50.0 feet to a new monument number 22 said monument being the northwest corner of Meadowbrook Avenue and Pineywood Road; thence with the West margin of Pineywood Road North 04 degrees 25 minutes 50 seconds East 729.40 feet to a new monument number 23 said monument being the southwest corner of Marylou Avenue and Pineywood Road; thence across Marylou Avenue North 04 degrees 25 minutes 50 seconds East 50 feet to a new monument number 24 said monument being the northwest corner of Marylou Avenue and Pineywood Road; thence with the West margin of Pineywood Road North 04 degrees 25 minutes 50 seconds East 392.00 feet to a new monument number 25 which is the southwest corner of Lexington Avenue and Pineywood Road; thence across Lexington Avenue North 13 degrees 46 minutes 10 seconds East 148.48 feet to a new monument number 26 which is the northwest corner of Lexington Avenue and Pineywood Road; thence with the West margin of Pineywood Road North 15 degrees 38 minutes 30 seconds East 320.71 feet to a new monument number 27 which is the southwest corner of West Green Street and Pineywood Road; thence across West Green Street North 15 degrees 38 minutes 30 seconds East 62.52 feet to a new monument number 28 which is the northwest corner of West Green Street and Pineywood Road; thence with the West margin of Pineywood Road North 15 degrees 38 minutes 30 seconds East 479.30 feet to a new monument number 29 which is a point in the old

city limit line; thence with the old city limit line North 24 degrees 26 minutes 40 seconds West 368.98 feet to an old monument number 30 which is the northwest corner of the old city limits for the City of Thomasville; thence with the old city limits North 65 degrees 33 minutes 20 seconds East 277.57 feet to a new monument number 31 which is near the southwest corner of Sunset Drive and Pineywood Road as shown on the Subdivision Plat of Sunset Acres; thence across Sunset Drive North 06 degrees 13 minutes 30 seconds West 66.18 feet to the northwest corner of Sunset Drive and Pineywood Road to a new monument number 32; thence with the West margin of Pineywood Road North 09 degrees 57 minutes 30 seconds West 562.76 feet to a new monument number 33; thence along the West margin of Pineywood Road and on a curve North 09 degrees 57 minutes 30 seconds West 268.22 feet to the point of intersection of tangents to the curve and North 02 degrees 16 minutes 30 seconds West 268.22 feet to a new monument number 35 being 534.40 feet on the curve with the West margin of Pineywood Road; thence along the West margin of Pineywood Road North 02 degrees 16 minutes 30 seconds East 595.08 feet to a new monument number 36; thence with the West margin of Pineywood Road and on a curve North 02 degrees 16 minutes 30 seconds East 392.03 feet to the point of intersection of the tangents to the curve and North 38 degrees 39 minutes 20 seconds East 392.03 feet to a new monument number 38 being 757.60 feet on the curve with the West margin of Pineywood Road; thence with the West margin of Pineywood Road North 38 degrees 39 minutes 20 seconds East 299.10 feet to a new monument number 39; thence on a curve at the intersection of Jacob Street and Pineywood Road North 38 degrees 39 minutes 20 seconds East 128.65 feet to a point of intersection of the tangents to the curve and North 58 degrees 31 minutes 30 seconds West 128.65 feet to a new monument number 41 on the West margin of Jacob Street being 134.46 feet on the curve; thence with the West margin of Jacob Street North 57 degrees 41 minutes 40 seconds West 150.31 feet to a new monument number 42 on the South margin of U. S. Highway 29 and 70; thence along the South margin of U. S. Highway 29 and 70 and across Jacob Street North 50 degrees 55 minutes 10 seconds East 561.69 feet to a new monument number 43; thence along the South margin of U. S. Highway 29 and 70 North 50 degrees 55 minutes 10 seconds East 702.93 feet to a new monument number 44; thence along the South margin of U. S. Highway 29 and 70 North 50 degrees 55 minutes 10 seconds East 286.98 feet to a point of intersection of the tangents to the curve and North 53 degrees 52 minutes 10 seconds East 286.98 feet to a new monument number 46, being 480.39 feet on the curve; thence along the South margin of U. S. Highway 29 and 70 North 53 degrees 52 minutes 10 seconds East 1,367.25 feet to a new monument number 47; thence along the South margin of U. S. Highway 29 and 70 North 53 degrees 52 minutes 10 seconds East 377.44 feet to a new monument number 48; thence South 87 degrees 39 minutes 00 seconds East 64.69 feet along the West margin of N. C. Highway 109 to a new monument number 49; thence across N. C. Highway 109 North 55 degrees 37 minutes 50 seconds East 64.34 feet to a new monument number 50 which is on the East margin of N. C. Highway 109; thence

along the East margin of N. C. Highway 109 North 03 degrees 50 minutes 20 seconds East 55.09 feet to a new monument number 51 located in the South margin of U. S. Highway 29 and 70; thence on a curve North 53 degrees 52 minutes 10 seconds East 276.98 feet to a point of intersection of the tangents to the curve and North 62 degrees 03 minutes 10 seconds East 276.98 feet to a new monument number 53, being 553.02 feet on the curve; thence along the South margin of U. S. Highway 29 and 70 North 62 degrees 03 minutes 10 seconds East 668.86 feet to a new monument number 54; thence along the South margin of U. S. Highway 29 and 70 North 62 degrees 03 minutes 10 seconds East 1,000.31 feet to a new monument number 55 which is the northwest corner of the Ball Park Road and the U. S. Highway 29 and 70; thence across the Ball Park Road North 62 degrees 03 minutes 10 seconds East 103.40 feet to a new monument number 55A; thence continuing along the South margin of U. S. Highway 29 and 70 North 62 degrees 03 minutes 10 seconds East 854.21 feet to a point of intersection of the tangents to the curve and North 79 degrees 25 minutes 20 seconds East 854.21 feet to a new monument number 58, being 1,695.58 feet on the curve; thence along the South margin of U. S. Highway 29 and 70 North 79 degrees 25 minutes 20 seconds East 921.77 feet to a new monument number 59; thence along the South margin of U. S. Highway 29 and 70 North 79 degrees 25 minutes 20 seconds East 595.38 feet to a new monument number 60 which is the southwest corner of Burton Street and U. S. Highway 29 and 70; thence across Burton Street North 79 degrees 25 minutes 20 seconds East 62.62 feet to a new monument number 61 which is the southeast corner of Burton Street and U. S. Highway 29 and 70; thence continuing along the South margin of U. S. Highway 29 and 70 North 79 degrees 25 minutes 20 seconds East 772.75 feet to a new monument number 62 which is the southwest corner of Maple Lane and U. S. Highway 29 and 70; thence across Maple Lane North 79 degrees 25 minutes 20 seconds East 50.00 feet to a new monument number 63 which is the southeast corner of Maple Lane and U. S. Highway 29 and 70; thence along the South margin of U. S. Highway 29 and 70 North 79 degrees 25 minutes 20 seconds East 411.26 feet to a new monument number 64 which is the southwest corner of Oakwood Drive and U. S. Highway 29 and 70; thence across Oakwood Drive North 79 degrees 25 minutes 20 seconds East 50.00 feet to a new monument number 65 which is the southeast corner of Oakwood Drive and U. S. Highway 29 and 70; thence along the South margin of U. S. Highway 29 and 70 and also along the North boundary line of the Forest Hills Subdivision North 79 degrees 25 minutes 20 seconds East 721.08 feet to a new monument number 66 which is the southwest corner of Ridgecrest Drive and U. S. Highway 29 and 70; thence across Ridgecrest Drive North 79 degrees 25 minutes 20 seconds East 50.00 feet to a new monument number 67 which is the southwest corner of Ridgecrest Drive and U. S. Highway 29 and 70; thence along the South margin of U. S. Highway 29 and 70 North 79 degrees 29 minutes 20 seconds East 677.84 feet to a new monument number 68 which is the southwest corner of Maple Lane and U. S. Highway 29 and 70; thence across Maple Lane North 79 degrees 25 minutes 20 seconds East 51.00 feet to a new monu-

ment number 69 which is the southeast corner of Maple Lane and U. S. Highway 29 and 70; thence continuing along the South margin of U. S. Highway 29 and 70 North 79 degrees 25 minutes 20 seconds East 164.88 feet to a new monument number 70; thence along the South margin of U. S. Highway 29 and 70 North 79 degrees 25 minutes 00 seconds East 403.51 feet to a new monument number 71; thence along the West margin of the access road leading to National Highway South 67 degrees 42 minutes 00 seconds East 184.22 feet to a new monument number 72; thence along the West margin of the access road South 42 degrees 33 minutes 00 seconds East 234.30 feet to a new monument number 73; thence along the West margin of the access road South 19 degrees 50 minutes 40 seconds East 89.87 feet to a new monument number 74; thence continuing along the access road South 03 degrees 11 minutes 50 seconds West 36.33 feet to a new monument which is the northwest corner of the intersection of the access road and the National Highway; thence across the National Highway North 72 degrees 25 minutes 20 seconds East 64.04 feet to a new monument number 76 which is on the East margin of National Highway; thence along the East margin of National Highway South 04 degrees 29 minutes 00 seconds West 109.90 feet to a new monument number 77; thence along the East margin of National Highway South 07 degrees 38 minutes 50 seconds West 100.00 feet to a new monument number 78; thence along the East margin of National Highway South 12 degrees 43 minutes 20 seconds West 150.00 feet to a new monument number 79; thence along the East margin of National Highway South 16 degrees 30 minutes 30 seconds West 100.00 feet to a new monument number 80; thence along the East margin of National Highway South 19 degrees 51 minutes 01 seconds West 200.00 feet to a new monument number 81; thence leaving the National Highway and along the North boundary of the Erwin Heights Subdivision South 87 degrees 01 minutes 50 seconds East 134.50 feet to a new monument number 82; thence with the same subdivision line South 87 degrees 01 minutes 50 seconds East 219.78 feet to a new monument number 83; thence with the same subdivision line South 87 degrees 01 minutes 50 seconds East 180.60 feet to a new monument number 84, which is the northeast corner of the Erwin Heights Subdivision; thence with the subdivision line South 03 degrees 19 minutes 00 seconds West 210.14 feet to a new monument number 85; thence with the subdivision line South 03 degrees 19 minutes 00 seconds West 270.90 feet to a new monument number 86; thence with the subdivision line South 03 degrees 19 minutes 00 seconds West 316.42 feet to a new monument number 87, said monument being a corner of Erwin Heights Subdivision; thence continuing along the subdivision line South 87 degrees 28 minutes 00 seconds East 228.04 feet to a new monument number 88; thence along the subdivision line South 87 degrees 28 minutes 50 seconds East 59.60 feet to a new monument number 89, said monument being a corner of the Erwin Heights Subdivision; thence along the East line of the subdivision South 03 degrees 59 minutes 30 seconds West 151.28 feet to a new monument number 90; thence along the subdivision line South 03 degrees 59 minutes 30 seconds West 246.23 feet to a new monument number 91; thence continuing along the East line of the

Erwin Heights Subdivision South 03 degrees 59 minutes 30 seconds West 462.09 feet to a new monument number 92; thence along the subdivision line South 03 degrees 59 minutes 30 seconds West 503.02 feet to a new monument number 93, said monument is a corner of the Erwin Heights Subdivision; thence with the subdivision line North 87 degrees 17 minutes 30 seconds West 291.25 feet to a new monument number 94; thence with the subdivision line North 87 degrees 17 minutes 30 seconds West 360.16 feet to a new monument number 95; thence with the subdivision line North 87 degrees 17 minutes 30 seconds West 359.93 feet to a new monument number 96; thence leaving the subdivision on a new line South 06 degrees 09 minutes 50 seconds West 267.28 feet to a new monument number 97; thence a new line North 83 degrees 55 minutes 50 seconds West 194.34 feet to a new monument number 96; thence parallel and approximately 200 feet East of Turner Street South 06 degrees 04 minutes 10 seconds West 666.40 feet to a new monument number 99; thence continuing parallel with Turner Street South 06 degrees 04 minutes 10 seconds West 379.69 feet to a new monument number 100; thence parallel with Turner Street South 06 degrees 04 minutes 10 seconds West 471.68 feet to a new monument number 101 which is in the North margin of Unity Street; thence along the North margin of Unity Street South 77 degrees 24 minutes 10 seconds East 256.50 feet to a new monument number 102, said monument being the northwest corner of Albertson Road and Unity Street; thence across Albertson Road South 75 degrees 17 minutes 50 seconds East 62.45 feet to a new monument number 103 said monument being the northeast corner of Albertson Road and Unity Street; thence along the North Margin of Unity Street South 75 degrees 17 minutes 50 seconds East 244.58 feet to a new monument number 104; thence along the North margin of Unity Street South 72 degrees 44 minutes 40 seconds East 471.53 feet to a new monument number 105 which is on the northwest margin of the North Carolina Railroad right-of-way; thence across the North Carolina Railroad and with the North margin of Unity Street South 72 degrees 19 minutes 50 seconds East 220.19 feet to a new monument number 106 which is on the northeast margin of the North Carolina Railroad right-of-way; thence along the North margin of Unity Street South 73 degrees 33 minutes 40 seconds East 241.24 feet to a new monument number 107; thence along the North margin of Unity Street South 69 degrees 48 minutes 30 seconds East 200.35 feet to a new monument number 108; thence continuing along the North margin of Unity Street South 66 degrees 44 minutes 10 seconds East 122.48 feet to a new monument number 109 said monument being the northwest corner of Unity Street and Blair Street; thence across Blair Street South 66 degrees 43 minutes 20 seconds East 60.18 feet to a new monument number 110 said monument being the northeast corner of the Blair and Unity Street intersection; thence across Unity Street at the Blair and Unity Street intersection South 27 degrees 28 minutes 00 seconds West 60.16 feet to a new monument number 111, said monument being the southeast corner of the Blair and Unity Street intersection; thence along the East margin of Blair Street South 21 degrees 10 minutes 40 seconds West 490.55 feet to a new monument number 112; thence along the East margin of Blair Street South

18 degrees 57 minutes 30 seconds West 329.50 feet to a new monument number 113; thence continuing along the East margin of Blair Street South 25 degrees 31 minutes 30 seconds West 208.03 feet to a new monument number 114; thence along the East margin of Blair Street South 43 degrees 01 minutes 30 seconds West 121.99 feet to a new monument number 115 said monument being the northeast corner of the Vivian and Blair Street intersection; thence along the North line of the Fremont Park Subdivision; North 89 degrees 16 minutes 40 seconds East 172.70 feet to a new monument number 116, said monument being the northeast corner of the Fremont Park Subdivision; thence with the East line of the Fremont Park Subdivision South 03 degrees 00 minutes 10 seconds West 1,293.51 feet to a new monument number 117, said monument being the southeast corner of the Fremont Park Subdivision; thence with the South line of the Subdivision North 87 degrees 54 minutes 40 seconds West 495.50 feet to a new monument number 118; thence with the South line of the subdivision North 87 degrees 54 minutes 30 seconds West 132.72 feet to a point in the old city limits line for the City of Thomasville and being a new monument number 119, near the East margin of Conrad Street; thence with the old city limits across Trinity Avenue South 24 degrees 26 minutes 40 seconds East 1,068.72 feet to an old monument number 120; thence with the old city limit line South 24 degrees 26 minutes 40 seconds East 513.16 feet to an old monument number 121; thence with the old city limits South 24 degrees 26 minutes 40 seconds East 259.34 feet to an old monument number 122; thence with the old city limits South 24 degrees 26 minutes 40 seconds East 311.40 feet to an old monument number 123; thence with the old city limits South 24 degrees 26 minutes 40 seconds East 400.00 feet to an old monument number 124; thence with the old city limits line South 24 degrees 26 minutes 40 seconds East 443.49 feet to an old monument number 125, said monument being the southeast corner of the old city limits of the City of Thomasville; thence with the old city limits South 65 degrees 33 minutes 20 seconds West 294.67 feet to a new monument number 126 which is on the East margin of Border Street; thence along the East margin of Border Street South 05 degrees 51 minutes 00 seconds West 544.00 feet to a new monument number 127, said monument being the northeast corner of the intersection of Welborn and Border Streets; thence across Welborn Street at the Border Street intersection South 05 degrees 51 minutes 00 seconds West 62.48 feet to the South margin of Welborn Street and to a new monument number 128; thence along the South margin of Welborn Street North 67 degrees 57 minutes 00 seconds West 100.99 feet to a new monument number 129; thence along the South margin of Welborn Street North 75 degrees 44 minutes 50 seconds West 100.00 feet to a new monument number 130; thence continuing along the South margin of Welborn Street North 84 degrees 48 minutes 50 seconds West 200.00 feet to a new monument number 131; thence along the South margin of Welborn Street North 87 degrees 49 minutes 50 seconds West 200.00 feet to an old monument number 132, said monument being a corner of the old city limits and the northeast corner of the Johnson Subdivision; thence with the old city limit line and with the East line of the Johnson Subdivision South 04

degrees 58 minutes 20 seconds West 1,054.16 feet to an old monument number 133, said monument being a corner of the old city limits and the southeast corner of the Johnson Subdivision and also the northeast corner of the Glengale Acres Subdivision; thence a new line with the East line of the Glengale Acres Subdivision South 05 degrees 01 minutes 50 seconds West 823.38 feet to a new monument number 134 which is on the North margin of Leach Avenue; thence across the end of Leach Avenue South 05 degrees 01 minutes 50 seconds West 40.00 feet to a new monument number 135 which is on the South margin of Leach Avenue; thence with the Glengale Acres Subdivision line South 05 degrees 01 minutes 50 seconds West 149.98 feet to a new monument number 136 said monument being southeast corner of the Glengale Acres Subdivision; thence with the property line of Fred J. Carmichael South 87 degrees 17 minutes 00 seconds East 61.12 feet to a new monument number 137 said monument being the northeast corner of Fred J. Carmichael; thence with the East line of Fred J. Carmichael South 23 degrees 11 minutes 30 seconds West 363.22 feet to a new monument number 138 said monument being the southeast corner of Fred J. Carmichael's property and located in the North margin of Vance Road; thence along the North margin of Vance Road on a curve South 65 degrees 00 minutes 00 seconds East 380.20 feet to a point of intersection of the tangents to the curve and South 28 degrees 08 minutes 00 seconds East 380.20 feet to a new monument number 140, length of curve on margin of Vance Road 733.98 feet; thence with the North margin of Vance Road South 28 degrees 08 minutes 00 seconds East 1,127.33 feet to a new monument number 141; thence continuing with the North margin of Vance Road South 28 degrees 08 minutes 00 seconds East 325.60 feet across N. C. Highway 62 to a new monument number 142, said monument number 142 being located in the South margin of N. C. Highway 62; thence with the South margin of N. C. Highway 62 South 84 degrees 08 minutes 50 seconds West 502.91 feet to a new monument number 143; thence with South margin of N. C. Highway 62 South 84 degrees 08 minutes 50 seconds West 589.15 feet to a new monument number 144; thence with South margin of N. C. Highway 62 South 84 degrees 08 minutes 50 seconds West 724.19 feet to a new monument number 145; thence continuing along the South margin of N. C. Highway 62 South 84 degrees 08 minutes 50 seconds West 440.30 feet to a new monument number 146; thence with the South margin of N. C. Highway 62 South 84 degrees 08 minutes 50 seconds West 475.97 feet to a new monument number 147, said monument being the southeast corner of Liberty Drive and N. C. Highway 62; thence across Liberty Drive at the intersection with N. C. Highway 62 South 84 degrees 08 minutes 50 seconds East 60.00 feet to a new monument number 148, said monument being the southwest corner of Liberty Drive and N. C. Highway 62; thence along the South margin of N. C. Highway 62 South 84 degrees 08 minutes 50 seconds West 612.33 feet to a new monument number 149; thence on a curve along the South margin of N. C. Highway 62 South 84 degrees 08 minutes 50 seconds West 465.67 feet to a point of intersection of the tangents to the curve and North 53 degrees 10 minutes 40 seconds West 465.67 feet to a new monument number 151, length of curve along the margin

of N. C. Highway 62 is 889.07 feet; thence a line from the South margin of N. C. Highway 62 to the East margin of N. C. Highway 109 South 59 degrees 29 minutes 50 seconds West 85.55 feet to a new monument number 152; thence along the East margin of N. C. Highway 109 South 00 degrees 32 minutes 00 seconds West 186.43 feet to a new monument number 153; thence with the East margin of N. C. Highway 109 South 05 degrees 05 minutes 20 seconds West 624.19 feet to a new monument number 154; thence across N. C. Highway 109 North of a culvert and through the property of J. E. Crowell North 78 degrees 31 minutes 40 seconds West 577.60 feet to a new monument number 155; thence North 78 degrees 31 minutes 40 seconds West 672.40 feet to a new monument number 156 located in the East margin of the High Point-Thomasville and Denton Railroad right-of-way; thence across the railroad North 78 degrees 31 minutes 40 seconds West 107.10 feet to a new monument number 157 located in the West margin of the High Point-Thomasville and Denton Railroad right-of-way; thence a new line South 38 degrees 27 minutes 20 seconds West 51.01 feet to a new monument number 158; thence a new line South 38 degrees 27 minutes 20 seconds West 199.53 feet to a new monument number 159; thence a new line South 38 degrees 27 minutes 20 seconds West 344.98 feet to a new monument number 160; thence a new line South 38 degrees 27 minutes 20 seconds West 553.96 feet to a new monument number 161; thence South 38 degrees 27 minutes 20 seconds West 382.12 feet to a new monument number 162; thence a new line South 38 degrees 27 minutes 20 seconds West 353.80 feet to a new monument number 163; thence a new line and with the Fairgrove Forest Subdivision South 02 degrees 56 minutes 20 seconds West 460.00 feet to a new monument number 164; thence with the subdivision South 02 degrees 56 minutes 20 seconds West 349.63 feet to a new monument number 165; thence with the subdivision line South 79 degrees 04 minutes 00 seconds West 422.41 feet to a new monument number 166; thence with the property line of Carl Black North 49 degrees 40 minutes 00 seconds West 635.00 feet to a new monument number 167; thence with Black's line North 49 degrees 40 minutes 00 seconds West 517.60 feet to a corner and new monument number 168; thence with Black's line North 04 degrees 49 minutes 30 seconds East 511.41 feet to a new monument number 170; thence with Black's line North 04 degrees 49 minutes 30 seconds East 485.00 feet to a new monument number 171; thence with Black's line North 04 degrees 49 minutes 30 seconds East 545.00 feet to a new monument number 172; thence with Black's line South 84 degrees 52 minutes 00 seconds East 95.90 feet to a new monument number 173; thence with the line of the Holly Hill Cemetery North 07 degrees 29 minutes 40 seconds West 746.43 feet to a new monument number 174; thence with the line of the Holly Hill Cemetery North 06 degrees 45 minutes 00 seconds West 396.37 feet to a new monument number 175 located in the South margin of Holly Hill Road; thence with the South margin of Holly Hill Road South 70 degrees 39 minutes 20 seconds West 796.17 feet to a new monument number 176; thence on a curve South 70 degrees 39 minutes 20 seconds West 117.45 feet to the point of intersection of the tangents to the curve and North 84 degrees 22 minutes 20 seconds West 117.45 feet

to a new monument number 177A, length of the curve with the margin of Holly Hill Road is 231.17 feet; thence with the South margin of Holly Hill Road, North 84 degrees 22 minutes 20 seconds West 92.31 feet to a new monument number 178 said monument being the southeast corner of Fisher Ferry Street and Holly Hill Road; thence across Fisher Ferry Street at the Holly Hill intersection North 84 degrees 22 minutes 20 seconds West 60.00 feet to a new monument number 179, said monument being the southwest corner of Fisher Street and Holly Hill Road; thence along the South margin of Holly Hill Road North 84 degrees 22 minutes 20 seconds West 420.58 feet to a new monument number 180, said monument being the southeast corner of Kendall Mill Road and Holly Hill Road; thence across Kendall Mill Road at the Holly Hill intersection North 35 degrees 57 minutes 20 seconds West 86.84 feet to a new monument number 181, said monument being the southwest corner of Kendall Mill Road and Knollwood Drive; thence along the southwest margin of Knollwood Drive North 38 degrees 09 minutes 30 seconds West 147.69 feet to a new monument number 182, said monument being a point on the Lambeth Knolls Subdivision; thence North 38 degrees 09 minutes 30 seconds West 73.93 feet to a concrete monument number 182A in the West right-of-way line of Knollwood Drive and in the original South city limit line; thence along the original city limit line South 65 degrees 33 minutes 20 seconds West 719.53 feet to a concrete monument number 185; thence South 65 degrees 33 minutes 20 seconds West 303.72 feet to concrete monument number 1, the point and place of beginning."

Sec. 2. All laws and clauses in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

H. B. 230 CHAPTER 130

AN ACT TO POSTPONE REVALUATION OF REAL PROPERTY FOR AD VALOREM TAXES IN WASHINGTON COUNTY UNTIL THE YEAR 1963.

The General Assembly of North Carolina do enact:

Section 1. The quadrennial revaluation and reassessment of real property for ad valorem tax purposes in Washington County, as fixed and required under the general law of the State, is hereby postponed until the year 1963.

Sec. 2. This Act shall apply to Washington County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

H. B. 233 CHAPTER 131

AN ACT REPEALING CHAPTER 10, PUBLIC-LOCAL LAWS OF 1941, ABOLISHING TAX PENALTIES, INSOFAR AS THE SAME APPLIES TO MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 10, Public-Local Laws of 1941, be and the same is hereby repealed in its entirety, insofar as the same applies to Macon County. The purpose of this Act is to make the provisions of G. S. 105-345 relating to penalties and discounts for non-payment of taxes applicable to Macon County.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

H. B. 281 CHAPTER 132

AN ACT RELATING TO MUNICIPAL ELECTIONS IN THE TOWN OF RAEFORD IN HOKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All elections for mayor and town commissioners in the Town of Raeford shall be held pursuant to the provisions of Article 3, Chapter 160 of the General Statutes of North Carolina, as amended.

Sec. 2. The provisions of Chapter 125 of the Private Laws of 1901 relating to elections for mayor and town commissioners in the Town of Raeford, together with all amendments relating thereto, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

H. B. 343 CHAPTER 133

AN ACT TO AMEND CHAPTER 496 OF THE 1955 SESSION LAWS, AS AMENDED, RELATING TO PENSION FUND FOR THE RETIREMENT AND DISABILITY OF MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. That Section 1(c) of Chapter 496 of the 1955 Session Laws of the State of North Carolina, as amended by Chapter 825 of the 1957 Session Laws of the State of North Carolina, relating to the pension fund

for the retirement and disability of members of the Police Department of the City of High Point, be and the same is hereby amended to read as follows:

"1(c). The City Treasurer of the City of High Point is hereby authorized, empowered and directed to deduct each month from the second pay check of each and every member of the Police Department coming under the provision of this Act, beginning in the month of April, 1959, three per cent (3%) of the monthly salary of each said person: Provided, that in the event the City of High Point hereinafter establishes a pension plan for any other department or departments of said city and makes contribution thereto, then and in such event the City of High Point shall make the same contribution in percentage or amount, whichever method is used in any said pension plan, per member of the Police Department as it makes per employee in any other department of said city in which a pension plan is established; provided further, that the contributions made by the individual member of the Police Department to the High Point Policemen's Pension and Disability Fund shall not exceed three per cent (3%) of four hundred dollars ($400.00) per month."

Sec. 2. That Section 1(d) of Chapter 496 of the 1955 Session Laws of the State of North Carolina relating to the pension fund for the retirement and disability of members of the Police Department of the City of High Point be and the same is hereby amended to read as follows:

"1(d). That after deducting the three per cent (3%) set out in subsection (c) of this Section the City Treasurer shall each month, beginning in the month of April, 1959, pay over to the said pension fund an amount equal to the three per cent (3%) of the total salaries referred to above, and in the event the City of High Point contributed to said fund, then and in that event, the City Treasurer shall also pay over to said fund at such time or times as the City Council may by ordinance direct, but at least once every three months, the amount of such contribution."

Sec. 3. That Section 3 of Chapter 496 of the 1955 Session Laws of the State of North Carolina be and the same is hereby amended as follows: By striking out the words and figures "one dollar ($1.00)" in line ten and inserting in lieu thereof the words and figures "two dollars ($2.00)", and by striking out the words and figures "three dollars ($3.00)" in line eleven and inserting in lieu thereof the words and figures "five dollars ($5.00)".

Sec. 4. That Section 5 of Chapter 496 of the 1955 Session Laws of the State of North Carolina be and the same is hereby amended by striking out the words "one-half of" in line four of said Section.

Sec. 5. That Section 7 of Chapter 496 of the 1955 Session Laws of the State of North Carolina be and the same is hereby amended by striking out the words "one-half of" in line twenty-eight of said Section.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

H. B. 364 CHAPTER 134

AN ACT TO REPEAL CHAPTER 6 OF THE PUBLIC-LOCAL LAWS OF 1933 AND TO REPEAL CHAPTER 432 OF THE PUBLIC-LOCAL LAWS OF 1941 RELATING TO THE POWERS OF JUSTICES OF THE PEACE AND CONSTABLES OF MECKLENBURG COUNTY IN THE EXERCISE OF THEIR OFFICES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 6 of the Public-Local Laws of 1933 be and the same is hereby repealed.

Sec. 2. Chapter 432 of the Public-Local Laws of 1941 be and the same is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

S. B. 125 CHAPTER 135

AN ACT TO AMEND CHAPTER 160, ARTICLE 14, SECTION 173 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO MAKE THE PROVISO THEREIN CONTAINED INAPPLICABLE TO MECKLENBURG COUNTY AND THE MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 160, Article 14, Section 173, of the General Statutes of North Carolina, to be amended by inserting at the end thereof, the following:

"The proviso herein provided shall not apply to Mecklenburg County or any municipality therein."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall apply to Mecklenburg County and the municipalities therein only.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

S. B. 148 **CHAPTER 136**

AN ACT TO AMEND CHAPTER 459 OF THE SESSION LAWS OF 1949 SO AS TO INCREASE THE MEMBERSHIP OF THE BOARD OF COMMISSIONERS OF THE TOWN OF EUREKA IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 459 of the Session Laws of 1949 is rewritten to read as follows:

"Section 1. The governing body of the Town of Eureka in Wayne County shall consist of five (5) commissioners. At the election to be held in said town on the first Tuesday after the first Monday in May, 1960, and biennially thereafter, there shall be elected in said town five (5) commissioners who shall serve for terms of two years each and until their successors are elected and qualified."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 25 **CHAPTER 137**

AN ACT ABOLISHING THE GOVERNOR'S COMMITTEE ON INTERSTATE CO-OPERATION AND REVISING THE MEMBERSHIP OF THE NORTH CAROLINA COMMISSION ON INTERSTATE CO-OPERATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-178 through G. S. 143-182, inclusive, G. S. 143-186 and G. S. 143-188 are hereby repealed.

Sec. 2. New Sections of the General Statutes, to be numbered G. S. 143-178 through G. S. 143-182, are hereby enacted to read as follows:

"§ 143-178. North Carolina Commission on Interstate Co-operation. There is hereby established the North Carolina Commission on Interstate Co-operation. This Commission shall be composed of nine members, as follows:

(1) Three Senators designated by the President of the Senate;

(2) Three Representatives designated by the Speaker of the House; and

(3) Three administrative officials designated by the Governor.

"§ 143-179. Officers of the Commission. The Governor shall biennially designate the Chairman of the Commission from among the legislative members of the Commission. The Commission shall biennally elect its Secretary from its membership.

"§ 143-180. Senate Members on Interstate Co-operation. The President of the Senate shall, on or before July 1 of the year in which each regular

session of the General Assembly is held, designate three members of the Senate as members of the Commission on Interstate Co-operation.

"§143-181. House Members on Interstate Co-operation. The Speaker of the House of Representatives shall, on or before July 1 of the year in which each regular session of the General Assembly is held, designate three members of the House as members of the Commission on Interstate Co-operation.

"§ 143-182. Terms of Office of Members. Each of the Senate and House members of the Commission shall serve until his successor as a member of the Commission is designated. Each administrative member of the Commission shall serve for a term of two years and until his successor is designated."

Sec. 3. G. S. 143-183 is hereby amended by renumbering subsection (4) as subsection (5), and inserting a new subsection (4) to read as follows:

"(4) To study, analyze, and report to the Governor and the General Assembly its recommendations concerning interstate compacts affecting the interests of North Carolina and studies and reports prepared by the Council of State Governments and similar agencies; regularly to inform the members of the General Assembly and other State officials of the publications and services which the Council of State Governments makes available to them; and to attend appropriate national and regional conferences of State officials considering interstate problems of concern to North Carolina and report thereon to the Governor and the General Assembly."

Sec. 4. G. S. 143-187 is hereby renumbered as G. S. 143-186.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 71 CHAPTER 138

AN ACT TO AMEND CHAPTER 234 OF THE SESSION LAWS OF 1939 RELATING TO THE FEES OF JURORS IN SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section one of Chapter 234 of the Session Laws of 1939 is amended by striking out in line 3 of said quoted portion, the words and figures "four dollars ($4.00)" and inserting in lieu thereof the words and figures "six dollars ($6.00)".

Said quoted portion is further amended by striking out in line 4 thereof the words and figures "five cents (5¢)" and inserting in lieu thereof the words and figures "seven cents (7¢)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 117 **CHAPTER 139**

AN ACT TO AMEND G. S. 106-372 SO AS TO ELIMINATE THE MAXIMUM DOG VACCINATION FEE WHICH MAY BE FIXED BY A BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-372, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by placing a period immediately following the word "commissioners" in line 3 and by striking out the remainder of the sentence.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 131 **CHAPTER 140**

AN ACT AMENDING G. S. 162-7 SO AS TO FIX CERTAIN FEES TO BE CHARGED BY THE SHERIFF OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 162-7, as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"The sheriff or other lawful officer of Jackson County is authorized to charge the following fees:

For serving warrant of arrest	$2.00
For serving civil summons, each defendant	1.50
For serving claim and delivery process	3.00
For serving attachment proceedings	3.00
For serving execution in summary ejectment proceedings, each defendant	2.00
For serving capias	2.00
For serving subpoena, each defendant	1.00
For serving Sci Fa, each defendant	1.50
For serving orders and notices, each	1.50
For serving warrant of attachment and levy	3.00
For serving garnishment proceedings	1.00
For serving execution in civil action, each defendant	2.00

Commission on collection of executions, 5% on first $500.00
2½% on all amounts collected over $500.00."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 132 **CHAPTER 141**

AN ACT AMENDING CHAPTER 202, PUBLIC-LOCAL LAWS OF 1929, RELATING TO THE TERMS OF OFFICE AND THE COMPENSATION OF MEMBERS OF THE JURY COMMISSION FOR JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the word "biannually", as the same appears in line 2 of Section 8, Chapter 202, Public-Local Laws of 1929, be and the same is hereby stricken out and the word "biennially" substituted therefor.

Sec. 2. That the word "biannually", as the same appears in line 2 of Section 11, Chapter 202, Public-Local Laws of 1929, be and the same is hereby stricken out and the word "biennially" be substituted therefor.

Sec. 3. That the words "five dollars", as the same appear in line 2 of Section 9, Chapter 202, Public-Local Laws of 1929, be and same are hereby stricken out and the words "fifteen dollars" substituted therefor.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 133 **CHAPTER 142**

AN ACT FIXING THE COMPENSATION OF THE MEMBERS OF THE COUNTY BOARD OF PUBLIC WELFARE OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 108-12 be and the same is hereby amended by adding at the end thereof the following:

"Provided that in Jackson County each member of said board shall receive as compensation for his services fifteen dollars ($15.00) per day and actual expenses when attending official meetings."

Sec. 2. This Act shall apply to Jackson County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 134 **CHAPTER 143**

AN ACT FIXING THE COMPENSATION OF THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, THE SHERIFF, THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the salaries of the Chairman of the Board of County Commissioners, the Sheriff, the Clerk of the Superior Court and the Register of Deeds of Jackson County be and they are each increased in the amount of five hundred dollars ($500.00) per annum over and above the compensation fixed for each of said officials by Section 1 of Chapter 1158, Session Laws of 1955. The salaries of each of said officials shall be paid from the general fund of the county in 12 equal monthly installments, and said salary increase for each of said officials shall be retroactive to January 1, 1959.

Sec. 1½. That, in addition to all other compensation now provided by law for the part time Commissioners of Jackson County, they shall be paid the sum of three dollars ($3.00) per month for each calendar month beginning with the month of January 1959. This payment to the part time commissioners shall be made from the general fund of the county in monthly installments, and said payments shall be retroactive to January 1, 1959.

Sec. 2. The Board of Commissioners of Jackson County now have the authority and power to increase the salary of nonelective employees of Jackson County. It is the sense of this Legislature that the nonelective employees of Jackson County whose salaries are wholly paid from county funds be given substantially the same percentage increase as is provided herein for the elective officers, and that this increase should be retroactive to January 1, 1959.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 135 **CHAPTER 144**

AN ACT TO AUTHORIZE COMPENSATION FOR THE MAYOR AND MEMBERS OF THE GOVERNING BODY OF OAK CITY IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The governing body of Oak City in Martin County is authorized, in its discretion, to fix the compensation of the mayor and each member of the governing body in an amount not to exceed five dollars ($5.00) per person for each meeting of the governing body attended. Such compensation shall be paid out of the general fund of Oak City.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force on and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 153 CHAPTER 145

AN ACT RELATING TO ELECTIONS IN THE CITY OF JACKSONVILLE IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There shall be no primary elections hereafter held in the City of Jacksonville, Onslow County, for the nomination of officers of said city.

Sec. 2. Section 1 of Chapter 540 of the Session Laws of 1953 is rewritten to read as follows:

"Section 1. At the general election to be held in the City of Jacksonville on the first Tuesday following the first Monday in May, 1959, and biennially thereafter, there shall be elected a mayor and four councilmen. The councilmen shall be elected from the wards heretofore established in said city or as such wards may hereafter be constituted, and there shall be elected only one councilman from each ward who shall be a resident of the ward for which he is elected, and shall be voted for only by the residents of that ward. The candidate receiving the highest number of votes for the office of councilman from the ward of his residence shall be declared elected to that office. The candidates for mayor shall be elected by the electors of the city at large. The mayor and councilmen elected at the May, 1959, election, and biennially thereafter, shall serve for terms of two (2) years each and until their successors are elected and qualified. In the event of a vacancy in the office of mayor cause by resignation, death or otherwise, such vacancy shall be filled by the city council for the unexpired term.

"Any person desiring to become a candidate for election as a mayor or councilman shall file, not later than five o'clock p. m. thirty (30) days prior to any municipal election, a statement with the city clerk in substantially the following form:

'I, ..., hereby give notice that I reside in the City of Jacksonville, North Carolina, and am a registered voter in said city; that I am a candidate for election to the office of ....., to be voted upon at the general election to be held on the.....day of....., 19....., and request that my name be placed on the official ballot for election to such office.

.....

.....'

(Witness)

"At the time of filing his notice of candidacy, the candidate shall pay to the city clerk, to be turned over to the city treasurer, the sum of five dollars ($5.00) to be credited to the general fund of the city.

"At the election to be held in May, 1959, and biennially thereafter, those electors voting in said election shall vote for the total number of councilmen to be elected, and the failure of any elector to do so shall void his or her ballot and the same shall not be counted.

"Any councilman who shall remove his legal residence from the ward for which elected thereby forfeits his office, and the vacancy thereby created shall be filled by the mayor and city council from the electorate of the ward in which such vacancy occurs. Vacancies ocurring by reason of resignation, death or otherwise, shall be filled in the same manner. In the event of a tie vote in filling a vaancy in the office of mayor or a city councilman, the candidate selected shall be determined by lot."

Sec. 3. At the general municipal election to be held in the City of Jacksonville in May, 1959, there shall be submitted to the qualified voters of the city the question as to whether the city councilmen shall be elected at municipal elections by the electors of the city voting as a whole, or whether city councilmen shall be elected only by electors residing in the ward in which the councilmen are to represent.

Separate ballots shall be prepared and provided for each qualified elector voting in said election. The ballots shall be prepared for this purpose in substantially the following form:

"☐ For electing councilmen from and by wards.

☐ For electing one councilman from each ward to be voted for by the electors of the city at large."

At said election should a majority of the electors voting favor the election of councilmen from and by wards, then at the municipal general election to be held in May, 1961, and biennially thereafter, there shall be one councilman elected from each ward and only the electors residing in any ward shall vote for the councilman for such ward.

If at said election the majority of electors vote in favor of electing one councilman from each ward to be voted for by the electors at large, then, and in such event, at the general municipal election to be held in May, 1961, and biennially thereafter, there shall be one councilman elected from each ward to be voted for by the electors at large.

In either event, each councilman shall be a resident of the ward from which he is elected.

Sec. 4. Chapter 867 of the Session Laws of 1957, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 183 CHAPTER 146

AN ACT AMENDING CHAPTER 103, SESSION LAWS OF 1945, FIXING THE FEES FOR JURORS AND GRAND JURORS IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the words and figures "four dollars ($4.00)" appearing in line 5 and line 13, Section 1 of Chapter 103, Session Laws of 1945, be and the same are hereby stricken out and the words and figures "seven dollars ($7.00)" substituted therefor.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 186 CHAPTER 147

AN ACT RELATING TO THE COMPENSATION OF JURORS IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section one of Chapter 41 of the Session Laws of 1953 is amended by striking out in line two of said Section the words and figures "six dollars ($6.00)" and inserting in lieu thereof the words and figures "eight dollars ($8.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 229 CHAPTER 148

AN ACT REWRITING SECTIONS ONE AND TWO OF CHAPTER 575, SESSION LAWS OF 1957, FIXING THE COMPENSATION OF THE SHERIFF OF WASHINGTON COUNTY AND HIS DEPUTIES, AND PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY SHALL DETERMINE THE NUMBER OF DEPUTIES TO BE APPOINTED BY THE SHERIFF.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 575, Session Laws of 1957, be and the same is hereby rewritten to read as follows:

"Section 1. The Board of County Commissioners of Washington County shall fix from time to time in its discretion the salary and other compensation to be paid to the sheriff of said county."

Sec. 2. That Section 2 of Chapter 575, Session Laws of 1957, be and the same is hereby rewritten to read as follows:

"Sec. 2. The Board of Commissioners of Washington County is hereby authorized to determine in its discretion the number of deputies whom the sheriff of said county shall appoint. The salaries and other compensation of said deputies shall be fixed from time to time by the board of commissioners of said county."

Sec. 3. This Act shall apply to Washington County only.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 234 CHAPTER 149

AN ACT AMENDING CHAPTER 34, SESSION LAWS OF 1951, RELATING TO THE FEES OF JURORS IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 34, Session Laws of 1951, be and the same is hereby amended by striking out the words and figures "five dollars ($5.00)" appearing in lines 5 and 6 of said Section and inserting in lieu thereof the words and figures "six dollars ($6.00)".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 239 CHAPTER 150

AN ACT TO AMEND G. S. 153-13 RELATING TO THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-13 is hereby amended by adding at the end thereof the following:

"Provided that each member of the Board of County Commissioners of Alamance County, except the chairman of the board of county commissioners whose compensation shall continue to be fixed as provided by law, shall receive for his services and expenses in attending the regular, recessed and special meetings of the board of commissioners fifteen dollars ($15.00) per meeting, and each member of said board of county commissioners shall be allowed mileage to and from the place of meeting of said board at the rate of seven cents (7¢) per mile."

Sec. 2. The action of the board of county commissioners authorizing an increase in the compensation of the members of the board as of February 1, 1959 is hereby validated and confirmed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 291 CHAPTER 151

AN ACT PRESCRIBING THE FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Fees, costs and commissions to be charged and collected by the Clerk of the Superior Court of Bertie County in civil actions, special proceedings and probate matters for services rendered by him shall be as follows for the items set out below: Provided, that when a fee, cost or commission is not fixed herein, such fee, cost or commission shall be charged as set out in Chapter 1179 of the Session Laws of 1953 if provided for therein; if not, then as set out in the General Statutes of North Carolina, and the said fees, costs and commissions herein set out shall be charged and collected by the clerk and paid into the general county fund, unless otherwise provided by law.

1. Adoption. Complete, $15.00
2. Affidavit, administering oaths and making jurat, 50¢
3. Appeal, docketing, from clerk or other court, $2.00
4. Attachment, order, $1.00
5. Auditing annual accounts of executors, administrators, guardians, and accounts of other fiduciaries required to render accounts, a fee of 50¢ for each $100.00 or a fraction thereof of the total receipts and disbursements through $1000.00 and 10¢ each $100.00 or fraction thereof on everything above $1000.00, but in no event shall the fee be less than $2.00 or more than $50.00 in each instance, plus recording fees.
6. Bill of Costs, preparing same, 50¢
7. Bond, or undertaking, including justification, $1.00
8. Bond, approving same, with or without seal, $1.00
9. Caveat to will, entering and docketing same, $3.00
10. Commission, issuing, $2.00
11. Continuance, 50¢
12. Dower, issuing writ, $2.00
13. Docketing judgment, $1.00
14. Docketing summons or alias or pluries, 50¢
15. Execution and return thereof, $2.00
16. Filing papers, 25¢ for each paper filed in each case.

17. Fiduciaries, appointment and qualification of, including taking bond and justification and original letters, $5.00
18. Fiduciary letters, each certified copy, long form, $1.00, short form, 75¢
19. Guardian Ad Litem and Next Friend, appointment of each, $2.00
20. Hearing or trial before clerk, $2.00 per hour.
21. Impaneling jury, 25¢
22. Injunction, order, $2.00
23. Judges approval of orders or confirmation, $1.00
24. Judgment, final, $1.50
25. Judgment by confession, complete, $5.00
26. Justification of Sureties, 75¢ each.
27. Lien, docketing and indexing, $2.00 plus recording.
28. Motions, entry and record of each, 50¢
29. Notices, 50¢ each, whether mailed or not and for each name over one in same paper, 25¢ additional.
30. Notary Public, qualifying, indexing and mailing certificate to Governor, $1.50
31. Nurses, doctors and pharmacists, registering, including certificate of registration under seal, $2.00
32. Orders, enlarging time for pleadings and all interlocutory orders, whether signed by clerk or judge, 50¢
33. Partnerships or trading under assumed names, registering, $2.00, not including recording.
34. Probate of deed or other writing entitled to be registered which is proven or acknowledged to before a Notary Public, Justice of the Peace, or other officer qualified by law to take acknowledgments, each certificate to be passed upon, 25¢
35. Probate of a will in common form, and order, $3.00
36. Pleadings, noted and filed, each 25¢
37. Petition, filing and affidavit, $1.00
38. Recording and copying papers, $1.00 for first page and each additional one hundred words, 25¢
39. Recording transcript of judgment from Justice of the Peace, including indexing and filing, $1.00, and from another county, $1.50, including the certificate required.
40. Seal of office, when necessary, 50¢
41. Subpoena, each name, 25¢
42. Summons, issuing original or alias or pluries in any action or proceeding, $1.50 each, and for each copy thereof, 50¢ and for each extension of summons by endorsement, 50¢
43. Transcript of judgment, issuing regular form, $1.00
44. Verification of any paper on record or on file, 10¢ per one hundred words.
45. Widow's years support, docketing and recording, $2.00
46. Habeas Corpus, $7.50 for entire proceeding.

Sec. 2. All costs, commissions and fees for services rendered by the clerk in all civil actions, special proceedings and probate matters pending

in the Superior Court of Bertie County on the date of ratification of this Act shall be computed, charged and collected as herein provided.

Sec. 3. This Act shall apply to Bertie County only.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 298 CHAPTER 152

AN ACT TO REPEAL CHAPTER 362 OF THE SESSION LAWS OF 1947, AS AMENDED, RELATING TO JAIL FEES IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 362 of the Session Laws of 1947, as amended by Chapter 281 of the Session Laws of 1957, is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 389 CHAPTER 153

AN ACT TO AMEND HOUSE BILL NO. 217, RATIFIED THE 24TH DAY OF MARCH, 1959, ENTITLED "AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARDS OF EDUCATION OF THE RESPECTIVE COUNTIES OF NORTH CAROLINA AND TO FIX THEIR TERMS OF OFFICE".

The General Assembly of North Carolina do enact:

Section 1. Section 1 of House Bill No. 217, ratified the 24th day of March, 1959, is hereby amended by striking out the names of the members of the Chowan County Board of Education, as the same appear in said Section, and substituting in lieu thereof the following names:

"Eugene Jordan, Mrs. F. A. Ward, Sherlon C. Layton, Mrs. C. C. Nixon, Marvin L. Evans, Garland Asbell."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. B. 391 **CHAPTER 154**

AN ACT APPOINTING GARY WYATT A MEMBER OF THE ALLEGHANY COUNTY BOARD OF EDUCATION FOR THE UNEXPIRED TERM OF HORT MILLER, DECEASED.

The General Assembly of North Carolina do enact:

Section 1. That Gary Wyatt be and he is hereby appointed a member of the Alleghany County Board of Education for the unexpired term of Hort Miller, deceased.

Sec. 2. The term of office of the said Gary Wyatt shall commence upon the ratification of this Act and shall continue until the first Monday in April, 1961 and until his successor shall be duly appointed and qualified.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

S. B. 18 **CHAPTER 155**

AN ACT TO CLARIFY G. S. 105-449 RELATIVE TO THE EXEMPTION OF GASOLINE USED IN PUBLIC SCHOOL TRANSPORTATION.

The General Assembly of North Carolina do enact:

Section 1. Section 105-449 of the General Statutes as same appears in the 1958 Replacement Volume 2C is hereby amended by redesignating subsection (d) as subsection (e) and by inserting a new subsection (d) to read as follows:

"(d) The gasoline tax exemption provided by this Section shall include gasoline sold for use in automobiles owned by the school boards and furnished to school superintendents to be used only on official business, in public school activities buses, driver training vehicles, bookmobiles belonging to or operated by county libraries and in public school trucks, vehicles and implements used in public school buildings and grounds maintenance and repair as well as gasoline sold for use in school service trucks used to service school buses."

Sec. 2. G. S. 105-449 of the General Statutes, 1958 Replacement Volume 2C, is further amended by inserting in line 4 of subsection (a) between the words "county" and "boards" the words "or city" and by striking out of line 8 of said subsection the word "county" and by inserting in line 9 of subsection (b) between the words "county" and "boards" the words "and city".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

S. B. 30 **CHAPTER 156**

AN ACT TO AMEND G. S. 53-77.1 RELATING TO SATURDAY CLOSING OF BANKS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 53-77.1 is hereby amended by striking out the word "eighty-five" in line five of subsection (a) thereof and by inserting in lieu thereof the word "seventy".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

S. B. 37 **CHAPTER 157**

AN ACT TO CONFORM THE LAWS OF NORTH CAROLINA TO THE LAWS OF THE UNITED STATES IN REGARD TO THE ASSESSABILITY OF BANK SHARES.

The General Assembly of North Carolina do enact:

Section 1. Section 53-42 of the General Statutes of North Carolina is hereby amended by deleting from said Section as it now appears in the General Statutes of North Carolina everything after the word "stock" in line 26 to the end of the Section and by inserting after the word "stock" in line 26 a period.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

S. B. 40 **CHAPTER 158**

AN ACT TO AMEND G. S. 54-19 RELATING TO LOANS BY BUILDING AND LOAN ASSOCIATIONS SO AS TO PERMIT SUCH ASSOCIATIONS TO MAKE LOANS SECURED BY SHARES OF ANY SUCH ASSOCIATION IN AN AMOUNT NOT TO EXCEED THE WITHDRAWAL VALUE THEREOF.

The General Assembly of North Carolina do enact:

Section 1. G. S. 54-19 is amended by deleting therefrom the words "ninety per centum of the amount paid in as dues on such shares" beginning on line 13 as the same appears in the 1950 recompiled Volume 2B of the General Statutes and inserting in lieu thereof the following: "the withdrawal value thereof."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

S. B. 43 **CHAPTER 159**

AN ACT TO AMEND THE LAWS RELATING TO THE POWER OF BUILDING AND LOAN ASSOCIATIONS TO BORROW MONEY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 54-23 is rewritten to read as follows:

"G. S. 54-23. Power to borrow money. Any such association may in its certificate of incorporation, constitution or bylaws authorize the board of directors from time to time to borrow money, and the board of directors may from time to time, by resolution adopted by a vote of at least two-thirds of all the directors and duly recorded in the minutes, borrow money for the association on such terms and conditions as they may deem proper; but the total amount of money so borrowed shall at no time exceed fifty per centum (50%) of the gross assets of such association; provided, however, any such association may borrow without limit from any agency or instrumentality of the United States upon such terms and conditions as such agency or instrumentality may impose."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

S. B. 69 **CHAPTER 160**

AN ACT TO AMEND CHAPTER 524 OF THE SESSION LAWS OF 1957 RELATING TO OBSTRUCTIONS IN STREAMS AND RIVERS AS THE SAME RELATES TO EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1½ of Chapter 524 of the Session Laws of 1957 is amended by inserting a period following the word "Lee" in line 2 of said Section and by striking out the following words "and Edgecombe" in line 2. Said Section is further amended by adding following the comma after the word "Halifax" in line 2 thereof the word "and".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

S. B. 108 **CHAPTER 161**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SCOTLAND NECK IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Scotland Neck are hereby extended to include the following described territory: Beginning at a point in the town limit line in the center of a proposed street, and in the northern line of Helen Leggett property; said point located North 68 degrees West 460 feet from the center of Clarksville Drive; running thence North 68 degrees West 433 feet with the line of Helen Leggett to a ditch, a common corner of Helen Leggett and F. G. Shearin; thence South 38 degrees West 374 feet with said ditch to a stake, a common corner of Helen Leggett and F. G. Shearin; thence leaving said ditch North 60 degrees West 349 feet with the dividing line of Helen Leggett and F. G. Shearin, to a stake in the eastern right of way of the Virginia Electric and Power Company; said stake also being South 60 degrees East 61 feet from the center of a creek; thence with the eastern right of way line to the Virginia Electric and Power Company North 14 degrees 12 minutes East 2,077 feet to a stake in the dividing line of Mrs. W. W. Kitchin Heirs and W. A. Kitchin; thence with the dividing line of Mrs. W. W. Kitchin Heirs and W. A. Kitchin North 82 degrees 45 minutes East 276 feet to a large pine, a common corner of Mrs. W. W. Kitchin Heirs and W. A. Kitchin; thence continuing with said dividing line South 75 degrees East 1,380 feet to the northwest corner of the Dr. C. H. Neville lot, a corner in the present town limit line; thence with the present town limits, southerly, westerly and southerly to the point of beginning.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

S. B. 115 **CHAPTER 162**

AN ACT TO AMEND CHAPTER 193 OF THE PRIVATE LAWS OF 1923, RELATING TO THE CHARTER OF THE TOWN OF ENFIELD, IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 17 of Chapter 193 of the Private Laws of 1923, the same being the Charter of the Town of Enfield in the County of Halifax, be and the same is hereby amended by striking out all of said Section after the words "and on all subjects of taxation provided by the laws of the State of North Carolina", so that said Section as so amended shall read as follows:

"Sec. 17. That the board of town commissioners shall have full power and authority to make ordinances, bylaws, rules and regulations for the better government of the said Town of Enfield, not inconsistent with the laws of the State of North Carolina, as the said board may deem necessary and in the interest of the public weal, and may enforce them by imposing fines and penalties on such as violate them; and may compel the performance of the duties imposed upon others by suitable penalties. The said board of town commissioners shall have power and is hereby authorized to levy annually and cause to be collected for municipal purposes and for the purpose of paying the interest and providing a sinking fund on any outstanding indebtedness, bonded or otherwise, of the said town, and for paying the interest and making provisions for a sinking fund on such future bonds or indebtedness as may be authorized, an ad valorem tax on all real and personal property within the corporate limits of the said town, and on all personal property owned by a resident of the said town, including money on hand and solvent credits, and upon all franchises and privileges granted by the said town to individuals or corporations, and on all subjects of taxation provided by the laws of the State of North Carolina."

Sec. 2. That Section 18 of said Chapter 193 of the Private Laws of 1923 be and the same is hereby amended by adding the following proviso at the end thereof: "Provided, that the provisions of this Section shall not apply to ordinances passed pursuant to the provisions of The Municipal Finance Act, 1921, as amended, and any such ordinance shall be published only as and if required by said Act, and shall take effect at the time and upon the conditions indicated in the ordinance."

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

S. B. 129 CHAPTER 163

AN ACT AMENDING SECTION 1 OF CHAPTER 795, SESSION LAWS OF 1955, RELATING TO THE COMPENSATION OF THE SHERIFF OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 795, Session Laws of 1955, be and the same is hereby amended by adding at the end thereof the following:

"In addition to the foregoing salary and travel allowance, the Sheriff of Haywood County shall be entitled to collect as a part of his compensation for the operation of the jail, a fee of seventy-five cents (75¢) for the imprisonment of any person in a civil or criminal action and seventy-five cents (75¢) for the release of such person from prison. The foregoing provision shall be retroactive to July 1, 1955.

"In addition to travel allowances prescribed by Chapter 795, Session Laws of 1955, effective July 1, 1959, the sheriff and his salaried deputies shall be allowed travel expenses in the amount of seven cents (7¢) per mile while traveling on official business outside the limits of Haywood County when such travel is for the purpose of transporting prisoners to prison, mental patients to State Hospitals, juvenile offenders to State correctional institutions, or, when such travel is undertaken upon the request of the District Solicitor, Superior Court Judge, Recorders Court Solicitor, or the Recorders Court Judge for the purpose of returning persons charged with crime to Haywood County for trial. Claims for travel expenses under this paragraph must be supported by such evidence as may be required by the Board of County Commissioners."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

H. B. 120 CHAPTER 164

AN ACT TO PROVIDE FISHING PRIVILEGES TO RESIDENTS OF ADJOINING STATES IN INLAND WATERS CONSTITUTING THE BOUNDARY BETWEEN THIS STATE AND ADJOINING STATES.

The General Assembly of North Carolina do enact:

Section 1. Section 113-145 of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following:

"Provided further than any non-resident holding a State license to fish in the inland waters of an adjoining state shall be allowed to fish in any waters of North Carolina which constitute the boundary between the State of North Carolina and said adjoining state upon presentation of said license when required by a wildlife protector, provided that said adjoining state extends the same privileges to persons holding licenses or permits to fish issued by the State of North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

H. B. 124 CHAPTER 165

AN ACT AUTHORIZING APPALACHIAN STATE TEACHERS COLLEGE TO USE A PART OF ITS 1957 CAPITAL OUTLAY APPROPRIATION FOR THE CONSTRUCTION AND EQUIPMENT OF A HOME ECONOMICS BUILDING AND A HOME MANAGEMENT HOUSE.

The General Assembly of North Carolina do enact:

Section 1. That Appalachian State Teachers College be and it is hereby authorized to use the sum of three hundred twelve thousand dollars ($312,000.00) appropriated to it in line 33 of Section 2 of Chapter 935, Session Laws of 1957, for the following purposes:

For the construction of a home economics building and a home management house	$286,000.00
For the equipment of the home economics building and the home management house	26,000.00
	$312,000.00

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

H. B. 127 CHAPTER 166

AN ACT TO AUTHORIZE THE INSTALLATION AND USE OF SIRENS AND RED LIGHTS ON ALL VEHICLES OWNED AND OPERATED BY THE STATE FOR LAW ENFORCEMENT PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of Section 20-125 of the General Statutes, as the same appears in the 1957 Cumulative Supplement, is hereby amended by inserting in line 2 thereof, immediately after the word "Patrol", the following: "or by the Wild-Life Resources Commission and used exclusively for law enforcement purposes,".

Sec. 2. Section 20-130.1 of the General Statutes, as the same appears in the 1957 Cumulative Supplement, is amended by adding in line 4, following the comma after the word "cars" the following: "vehicles owned by the Wildlife Resources Commission and operated exclusively for law enforcement purposes,".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

H. B. 184 CHAPTER 167

AN ACT REWRITING SECTION 1 OF CHAPTER 574, SESSION LAWS OF 1957, WHICH AMENDS G. S. 105-345 RELATING TO PENALTIES AND DEDUCTIONS FOR NON PAYMENT OF TAXES, SO FAR AS THE SAME APPLY TO WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 574, Session Laws of 1957, be and the same is hereby rewritten to read as follows:

"Section 1. G. S. 105-345 is hereby amended by adding at the end thereof the following:

'Subsections (1), (2), and (6) of this Section shall not apply to taxes levied by Washington County, and should any taxpayer of said county make payment of his taxes prior to October 1 following the levy thereof, he shall be entitled to the following deductions: If paid on or before August 31, a deduction of two per cent (2%); if paid during the month of September, a deduction of one per cent (1%). Taxes levied by Washington County shall be payable at par during the months of October, November, December, and January. After February 1 the State schedule of interest and penalties shall be added.' "

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

H. B. 199 CHAPTER 168

AN ACT TO VALIDATE THE APPLICATION OF THE CITY OF NEW BERN FOR A CERTAIN GASOLINE TAX REFUND WHICH APPLICATION WAS INADVERTENTLY FILED TOO LATE.

WHEREAS, the City of New Bern was entitled to a gasoline tax refund of one thousand ninety-three dollars and sixty-two cents ($1,093.62) for the quarter ending December 31, 1958; and

WHEREAS, the applicable statute required such application to be filed before January 31, 1959; and

WHEREAS, through inadvertance such application was not filed with the Department of Revenue until February 5, 1959, and the application for refund was then denied because of the late filing: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The above referred to application by the City of New Bern for gasoline tax refund for the quarter ending December 31, 1958, is hereby validated in all respects and the Commissioner of Revenue is hereby authorized and directed to pay to the City of New Bern the gasoline tax refund covered in said application notwithstanding the late filing thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

H. B. 203 CHAPTER 169

AN ACT TO PROHIBIT HUNTING IN GATES COUNTY WITH FIREARMS OTHER THAN SHOTGUNS AND RIFLES OF .22 CALIBER OR LESS.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, association of persons, or any firm or corporation to hunt anywhere in Gates County with firearms other than shotguns and rifles of .22 caliber or less.

Sec. 2. Any person, association of persons, or any firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not to exceed fifty dollars ($50.00) or imprisoned for a period not to exceed thirty (30) days, or both, in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

H. B. 205 CHAPTER 170

AN ACT TO REWRITE G. S. 14-346 AND TO AMEND G. S. 148-70 RELATING TO THE DISPOSITION OF THE PRODUCTS OF PRISON LABOR.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-346 is hereby rewritten to read as follows:

"G. S. 14-346. Sale of convict-made goods prohibited. (a) It shall be unlawful to sell or to offer for sale anywhere within the State of North Carolina any articles or commodities manufactured or produced, wholly or in part, in this State or elsewhere by convicts or prisoners, except

(1) articles or commodities manufactured or produced by convicts on probation or parole or prisoners released part time for regular employment in the free community, and

(2) products of agricultural or forestry enterprises or quarrying or mining operations in which inmates of any penal or correctional institution of this State are employed, and

(3) articles and commodities manufactured or produced in any penal or correctional institution of this State for sale to departments, institutions, and agencies supported in whole or in part by the State, or to any political subdivision of this State, for the use of

these departments, institutions, agencies, and political subdivisions of the State and not for resale, and

(4) articles of handicraft made by the inmates of any penal or correctional institution of this State during their leisure hours and with their own materials.

"(b) Any person, firm or corporation selling, undertaking to sell, or offering for sale any prison-made or convict-made goods, wares or merchandise, anywhere within the State, in violation of the provisions of this Section, shall be guilty of a misdemeanor, and, upon conviction, shall be subject to fine, or imprisonment, or both, in the discretion of the court. Each sale or offer to sell, in violation of the provisions of this Section, shall constitute a separate offense."

Sec. 2. G. S. 148-70, as the same appears in the 1957 Cumulative Supplement of the General Statutes, is amended by adding the following paragraph at the end thereof:

"All departments, institutions and agencies of this State which are supported in whole or in part by the State shall give preference to Prison Department products in purchasing articles and commodities which these departments, institutions, and agencies require and which are manufactured or produced within the State Prison System and offered for sale to them by the Prison Department, and no article or commodity available from the Prison Department shall be purchased by any such State department, institution, or agency from any other source without permission of the Board of Award provided for in G. S. 143-52, unless the prison product does not meet the standard specifications and the reasonable requirements of the department, institution, or agency as determined by the Board of Award, or the requisition cannot be complied with because of an insufficient supply of the articles or commodities required. The provisions of Article 3 of Chapter 143 of the General Statutes respecting contracting for the purchase of all supplies, materials and equipment required by the State government or any of its departments, institutions or agencies under competitive bidding shall not apply to articles or commodities available from the Prison Department, but the Prison Department shall be required to keep the price of such articles or commodities substantially in accord with that paid by governmental agencies for similar articles and commodities of equivalent quality as determined by the Board of Award or with competitive bids which the Board of Award may in its discretion require, taking into consideration the best interest of the State as a whole."

Sec. 3. This Act does not apply to any offense committed prior to the effective date of this Act, and any such offense is punishable as provided by the statute in force at the time such offense was committed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

H. B. 211 CHAPTER 171

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HYDE COUNTY TO MAKE CERTAIN PAYMENTS IN CONNECTION WITH CERTAIN DREDGING OPERATIONS AND A PUBLIC DOCK AND FOR OTHER PURPOSES.

WHEREAS, in the summer of 1956 the Corps of Engineers of the United States Army committed the Federal Government to re-dredge Far Creek to a navigable depth of twelve (12) feet upon condition that local interest would (1) acquire an area adjacent to said property to be used as a public dock, and (2) furnish the Federal Government free of cost easements over certain lands to be used as disposal areas together with a certificate to the effect that said easements were valid; and

WHEREAS, in order to obtain these improvements a few of the local citizens at Engelhard, North Carolina, arranged with an attorney of Hyde County to do the necessary abstract work and obtain the required easements for the sum of one thousand dollars ($1,000.00) and negotiated the purchase of a satisfactory lot in the name of Hyde County to be used as a public dock at a cost of one thousand dollars ($1,000.00); and

WHEREAS, these citizens have guaranteed the payment of both of these sums upon condition that they are not paid by the county: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Hyde County is authorized, in its discretion, to pay the above described indebtedness out of any non ad valorem tax funds which may be available for this purpose.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

H. B. 224 CHAPTER 172

AN ACT TO AMEND G. S. 14-249 RELATING TO THE LIMIT THAT MAY BE EXPENDED FOR THE PURCHASE OF MOTOR VEHICLES BY THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-249 is hereby amended by deleting in line four thereof the words and figures "two thousand dollars ($2,000.00)", and by inserting in lieu thereof the words and figures "two thousand five hundred dollars ($2,500.00)", so as to read as follows:

"§ 14-249. Limitation of amount expended for vehicle. It shall be unlawful for any officer, agent, employee or department of the State of North Carolina, or of any county, or of any institution or agency of the State, to expend from the public treasury an amount in excess of two

thousand five hundred dollars ($2,500.00) for any motor vehicle other than motor trucks; except upon the approval of the Governor and Council of State: Provided, that nothing in §§ 14-247 through 14-251 shall be construed to authorize the purchase or maintenance of an automobile at the expense of the State by any State officer unless he is now authorized by statute to do so: Provided further, that the limitation prescribed by this Section shall not be applicable to the purchase of any motor vehicle by any county, city or town in this State, where such motor vehicle is purchased in accordance with the provisions of Article 8 of Chapter 143 of the General Statutes of North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

H. B. 267 CHAPTER 173

AN ACT TO AMEND CHAPTER 488, PUBLIC-LOCAL LAWS OF 1939, TO REPEAL CHAPTER 724, SESSION LAWS OF 1957, TO PLACE UPON THE FULL-TIME CHAIRMAN OF THE BOARD OF COMMISSIONERS OF HAYWOOD COUNTY, IN THE CAPACITY OF COUNTY MANAGER, THE DUTIES OF TAX SUPERVISOR OF SAID COUNTY, AND TO FIX HIS SALARY.

The General Assembly of North Carolina do enact:

Section 1. That subsection (7) of Chapter 488, Public-Local Laws of 1939, be and the same is hereby rewritten to read as follows:

"(7) To perform all the duties of Tax Supervisor for Haywood County, as prescribed by the general laws of the State, including the supervision of the listing of property for taxes, making search for the discovery of any property omitted from the tax books, and the appraisal of property for tax purposes."

Sec. 2. Beginning on July 1, 1959, the full time Chairman of the Board of Commissioners of Haywood County, in the capacity of county manager, shall perform all the duties of tax supervisor of said county, as provided in Chapter 226, Public-Local Laws of 1935, and under the general law of the State.

Sec. 3. That Section 1 of Chapter 1120, Session Laws of 1957, which amends Section 1 of Chapter 429, Session Laws of 1951, is hereby amended by striking out the words and figures "four thousand two hundred dollars ($4,200.00)", appearing in lines 4 and 5 of said Section, and inserting in lieu thereof the words and figures "four thousand five hundred dollars ($4,500.00)".

Sec. 4. All laws and clauses of laws, including Chapter 724, Session Laws of 1957, in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

H. B. 345 CHAPTER 174

AN ACT TO AMEND G. S. 160-29 RELATING TO THE REGULATION OF ELECTIONS IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-29, as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by striking out the word "Chowan" in line four of said Section.

Sec. 2. On and after the effective date of this Act, all the provisions of Article 3 of Chapter 160 of the General Statutes shall be applicable to the cities and towns of Chowan County.

Sec. 3. All laws and clauses of laws in conflict with the Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

H. B. 346 CHAPTER 175

AN ACT TO AMEND CHAPTER 186, PRIVATE LAWS OF 1909, RELATING TO THE CHARTER OF THE CITY OF EDENTON IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Article II, entitled "Elections", of Chapter 186, Private Laws of 1909, is hereby amended by adding at the end thereof the following:

"Elections shall be held at some convenient polling place to be selected by the Chowan County Board of Elections in each of said wards and a registrar and two judges of election who shall be of good character shall be appointed by the said Board of Elections for each ward."

Sec. 2. Section 4 of Article II, entitled "Elections", of Chapter 186, Private Laws of 1909, is rewritten to read as follows:

"Sec. 4. (a) The Chowan County Board of Elections shall be the Board of Canvassers, and shall meet on the first Friday after the election to canvass the vote. The returns of the election shall be made to the Chairman of said Board before that time, and the Chairman shall present to the said Board of Canvassers the names of those persons receiving the highest number of votes for the various offices to be filled, who shall be declared elected, and shall receive a certificate of election under the seal of the town, signed by the mayor and clerk. The canvass of votes shall be spread on the journal, together with the result, stating the names of all persons declared to be elected by the canvassers, and the decision on each proposition voted upon. The neglect of any officer to qualify within ten

days after notice of his election shall be deemed a refusal to accept. Whenever there is a tie in the election for any office, the Board of Canvassers shall determine, by lot, the person entitled to receive the certificate of election. It shall be the duty of the Chairman of said County Board of Elections to preserve intact all ballots cast in any election for town officers for a period of one year after the same have been delivered to him by the judges of such elections.

(b) The elections herein provided shall be conducted by the Chowan County Board of Elections under the same statutory rules and regulations provided for municipal elections under Article 3 of Chapter 160 of the General Statutes and all amendments thereto not inconsistent with the specific provisions of this Act. The said Board of Elections shall have the same power and authority over said municipal elections that it now has with respect to State and county elections. Provided, no oath with respect to any particular party shall be required of any candidate or voter as a prerequisite to his or her qualifying as a candidate or voter. Provided further, that the qualifications for voters in municipal elections shall be the same as for voters for the office of members of the General Assembly in general elections, and each voter must vote in person and there shall be no voting by absentee ballot."

Sec. 3. Section 5 of Article III, entitled "The Board of Councilmen", of Chapter 186, Private Laws of 1909, is hereby rewritten to read as follows:

"Sec. 5. The mayor and each of the councilmen and the five members of the Board of Public Works shall be not less than twenty-one (21) years of age, a citizen of the United States, and for three years immediately preceding his election a resident of the Town of Edenton."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

H. B. 383 CHAPTER 176

AN ACT TO AMEND G. S. 115-18 RELATING TO COUNTY BOARDS OF EDUCATION SO AS TO FIX THE NUMBER OF THE MEMBERS OF THE ORANGE COUNTY BOARD OF EDUCATION AND TO APPOINT THREE MEMBERS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-18 is hereby amended by adding the following at the end thereof:

"Provided that in Orange County the board shall consist of five members."

Sec. 2. Charles M. Walker, Jr., is hereby appointed to the Orange County Board of Education for a term of two years, and Gordon B. Cleveland is appointed to said board for a term of four years, and Ross Porter is appointed to said board for a term of six years, all of said terms to

commence on the first Monday in April, 1959. The three persons above-named together with the two incumbent members whose terms do not expire on the first Monday in April, 1959, shall constitute the Orange County Board of Education. If and when the term of any member expires, his successor shall be appointed for a term of six years.

Sec. 3. This Act shall apply only to Orange County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1959.

S. B. 5 CHAPTER 177

AN ACT TO AMEND CHAPTER 130 OF THE GENERAL STATUTES SO AS TO REQUIRE THE VACCINATION OF YOUNG CHILDREN AGAINST POLIOMYELITIS (INFANTILE PARALYSIS).

The General Assembly of North Carolina do enact:

Section 1. Chapter 130 of the General Statutes is amended by adding a new Article immediately following Article 9, to be designated as Article 9A, and to read as follows:

"ARTICLE 9A

"G. S. 130-93.1(a) The parent, parents, guardian or any person in loco parentis of any child in North Carolina between the ages of two months and six years shall have administered to such child an adequately immunizing dose as determined by the North Carolina State Board of Health of a prophylactic agent against poliomyelitis (infantile paralysis) which meets the standard approved by the United States Public Health Service for such biological products, and which is approved by the North Carolina State Board of Health.

"(b) The parent, parents, guardian or person in loco parentis of such child who has not previously received such vaccination or immunization shall present the child to a physician licensed to practice medicine in North Carolina and request such physician to administer the necessary vaccination or immunization against poliomyelitis (infantile paralysis) as above provided.

"(c) If the said parent, parents, guardian or person in loco parentis of such child are unable to pay for the services of a private physician, or for such prophylactic poliomyelitis agent, such parent, parents, guardian or person in loco parentis shall present such child to the county physician of the county in which the child resides, or to the physician health director serving such county, who shall then administer or authorize a competent agent to administer such prophylactic agent without charge. As authorized by and with the approval of the Governor and the Council of State, the vaccine necessary for immunizations under this subsection shall be purchased and furnished to the local health directors by the State Board of Health and

the cost of such vaccine shall be paid for from the Contingency and Emergency Fund for the fiscal year in which such expense is incurred.

"(d) The physician who administers such prophylactic agent against poliomyelitis (infantile paralysis) to such children shall submit a certificate of such vaccination or immunization to the local health director and shall give a copy of the same to the parent, guardian or person in loco parentis of the child.

"(e) No principal or teacher shall permit any child to attend a public, private or parochial school without the certificate provided for in subsection (d) above, or some other acceptable evidence of the child's vaccination or immunization against poliomyelitis (infantile paralysis).

"(f) If any physician licensed to practice medicine in North Carolina certifies that such vaccination or immunization may be detrimental to a child's health, the requirements of this Article shall be inapplicable until such vaccination or immunization is found no longer to be detrimental to the child's health.

"(g) Any person violating this Article or any part thereof shall be guilty of a misdemeanor and shall be punished by a fine of not more than fifty dollars ($50.00) or by imprisonment for not more than thirty (30) days in the discretion of the court.

"(h) This Article shall not apply to children whose parent, parents, or guardian are bona fide members of a recognized religious organization whose teachings are contrary to the practices herein required, and no certificate for admission to any private, public or parochial school shall be required as to them."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

S. B. 67 CHAPTER 178

AN ACT TO AMEND G. S. 54-1 RELATING TO THE APPLICATION OF THE TERMS "BUILDING AND LOAN ASSOCIATION", "BUILDING ASSOCIATION", AND "SAVINGS AND LOAN ASSOCIATION".

The General Assembly of North Carolina do enact:

Section 1. G. S. 54-1 is rewritten to read as follows:

"G. S. 54-1. Application of Terms. The terms 'building and loan association' and 'savings and loan association', as used in this subchapter, shall apply to and include all corporations, companies, societies, or associations organized for the purpose of making loans to their members only, and of enabling their members to acquire real estate, make improvements thereon and remove encumbrances therefrom by the payment of money in periodical installments or principal sums, and for the accumulation of a fund to be returned to members who do not obtain advances for such purposes. It

shall be unlawful for any corporation, company, society, or association doing business in this State not so conducted to use in its corporate name the terms 'building and loan association', 'building association' or 'savings and loan association' or in any manner or device to hold itself out to the public as a building and loan association or savings and loan association. The terms 'building and loan association' and 'savings and loan association' in the General Statutes shall be interchangeable and the use of either shall be construed to include the other unless a different intention is expressly provided."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

S. B. 89 CHAPTER 179

AN ACT TO AMEND CHAPTER 108 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE MANNER OF PAYMENT OF PUBLIC ASSISTANCE.

The General Assembly of North Carolina do enact:

Section 1. Section 108-30 of the General Statutes of North Carolina is hereby amended by changing the period in line ten of the third paragraph thereof to a colon, and by adding after said colon the following words and punctuation:

"Provided, that, when it appears to the county board of public welfare that the interest of the recipient of such award will be better served by smaller payments at more frequent intervals, such award shall be paid in two or more equal installments in each month."

Sec. 2. Section 108-59 of the General Statutes of North Carolina is hereby amended by changing the period at the end of the third paragraph thereof to a colon, and by adding after said colon the following words and punctuation:

"Provided, that, when it appears to the county board of public welfare that the interest of the beneficiary or beneficiaries of such award will be better served by smaller payments at more frequent intervals, such award shall be paid in two or more equal installments in each month."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

S. B. 91 CHAPTER 180

AN ACT TO AMEND SECTION 108-73.17 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO PAYMENTS FOR HOSPITALIZATION OF RECIPIENTS OF PUBLIC ASSISTANCE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 108-73.17 is hereby amended by inserting following the comma after the word "Commission" and preceding the word "on" in line five thereof the following words and punctuation: "or licensed or approved according to the laws of another state,".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

S. B. 95 CHAPTER 181

AN ACT TO AMEND G. S. 112-20 SO AS TO PROVIDE THAT WIDOWS OF CONFEDERATE SOLDIERS MAY RECEIVE A PENSION FROM THE STATE WHILE RECEIVING A PENSION FROM ANY OTHER STATE OR FROM THE UNITED STATES.

The General Assembly of North Carolina do enact:

Section 1. Subsection 3 of G. S. 112-20 is repealed.

Sec. 2. It is the intent of this Act that any widow of a Confederate soldier, who is qualified to receive a pension from this State under Article 2 of Chapter 112 of the General Statutes, may continue to receive such a pension, even though she is eligible for and receives a pension from any other state or from the United States.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

S. B. 138 CHAPTER 182

AN ACT TO AMEND ARTICLE 21 OF CHAPTER 58 OF THE GENERAL STATUTES RELATING TO THE STATE PROPERTY FIRE INSURANCE FUND.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-190 is amended by adding a new paragraph at the end thereof to read as follows:

"The State Property Fire Insurance Fund is authorized and empowered to pay all the administrative expenses occasioned by the administration of Article 21 of Chapter 58 of the General Statutes."

Sec. 2. G. S. 58-191 is amended by adding a new paragraph at the end thereof to read as follows:

"Upon request of any State department, agency or institution, sprinkler leakage insurance shall be provided on designated State-owned property of such department, agency or institution which is insured by the State Property Fire Insurance Fund. Premiums for such insurance coverage shall be paid by each requesting department, agency or institution in accordance with rates fixed by the Commissioner of Insurance. Losses covered by such insurance may be paid out of the State Property Fire Insurance Fund in the same manner as fire losses. The Commissioner of Insurance, with the approval of the Governor and Council of State, is authorized and empowered to purchase from insurors admitted to do business in North Carolina such insurance or re-insurance as may be necessary to protect the State Property Fire Insurance Fund against loss with respect to such insurance coverage."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

S. B. 140 CHAPTER 183

AN ACT AUTHORIZING AND DIRECTING THE STATE TREASURER TO REFUND MONEY PAID TO THE COMMISSIONER OF INSURANCE AND HELD BY THE STATE TREASURER UNDER THE FIREMEN'S PENSION FUND ACT, BEING CHAPTER 1420 OF THE SESSION LAWS OF 1957, WHICH ACT HAS BEEN DECLARED UNCONSTITUTIONAL BY THE SUPREME COURT OF NORTH CAROLINA.

WHEREAS, Chapter 1420 of the Session Laws of 1957 has been declared unconstitutional by the Supreme Court of North Carolina in the case of Assurance Company v. Gold, 249 N. C. 461 (1958), on the grounds that said Act is in violation of Article V, Section 3 of the Constitution of North Carolina relating to uniformity of taxation; and

WHEREAS, the Act imposed upon every fire insurance company, corporation or association doing business in North Carolina, except farmers mutual fire insurance associations, the duty of paying over to the State Insurance Commissioner the sum of one dollar ($1.00) out of and from every one hundred dollars ($100.00) upon the amount of all premiums written on fire and lightning policies covering property in North Carolina located in areas where fire protection is available, which money was to be paid over by the Insurance Commissioner to the State Treasurer as custodian of the North Carolina Firemen's Pension Fund; and

WHEREAS, some insurance companies paid the monies under the requirement of the unconstitutional Act into the Superior Court of Wake

County pursuant to a restraining order issued therein and said monies have now been returned to such companies by the court following the declaration of the unconstitutionality of said Act; and

WHEREAS, certain other insurance companies paid such monies directly to the Commissioner of Insurance under the provisions of said unconstitutional Act, and such monies were paid over by the Commissioner of Insurance to the State Treasurer and are now being held by the State Treasurer in a special account; and

WHEREAS, said Act has now been declared unconstitutional and the funds paid in by insurance companies are held by the State Treasurer without any lawful purpose or authority to make disbursement thereof; and

WHEREAS, the General Assembly has not heretofore provided any method by which companies could make application for and obtain refunds of amounts paid by mistake or unlawfully collected and held under the provisions of the unconstitutional Act, and as it would be inequitable and unjust to retain funds which may have been or may hereafter be paid in by some insurance companies, and not paid by others, under the provisions of said unconstitutional Act: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All amounts which have been paid or may hereafter be paid by insurance companies to the Commissioner of Insurance under the provisions of Chapter 1420 of the Session Laws of 1957 for the Firemen's Pension Fund shall be refunded, without interest, by the State Treasurer on warrants issued by the State Disbursing Officer. The Commissioner of Insurance shall certify to the State Disbursing Officer the names and addresses of companies, the amounts of payments, and the names and addresses of any person or persons who may be entitled to a refund under the provisions of this Act, and the State Disbursing Officer, upon receipt of such certification, shall cause warrants to issue for the refund of such amounts, without interest. Whenever any insurance company entitled to receive refunds under the provisions of this Act has ceased to exist or has been placed in receivership or become bankrupt, then the refunds authorized and directed under this Act shall be paid to the successor in interest, receiver, trustee, or other person lawfully entitled to the assets of such company.

Sec. 2. The State Treasurer and the Commissioner of Insurance are authorized to adopt and use any forms, rules and regulations which they may deem to be necessary for the effective accomplishment of the purposes of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

S. B. 147 CHAPTER 184

AN ACT RELATING TO THE ISSUANCE OF WARRANTS AND RECEIPTS BY JUSTICES OF THE PEACE IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of G. S. 7-134.6, as it appears in the 1957 Cumulative Supplement to the General Statutes, is amended by striking out the word "and" following the word "Swain", inserting a comma in lieu thereof, and by striking out the period following the word "Union" and inserting the words "and Wayne".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

H. B. 109 CHAPTER 185

AN ACT TO AMEND CHAPTER 1334 OF THE SESSION LAWS OF 1955 PROVIDING FOR THE REGULATION OF THE SUBDIVISION OF LAND IN AND AROUND MUNICIPALITIES SO AS TO MAKE SAID ACT APPLICABLE TO BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 1334 of the Session Laws of 1955 is hereby amended by striking out the word "Beaufort" appearing on the first line thereof.

Sec. 2. This Act shall apply to Beaufort County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

H. B. 219 CHAPTER 186

AN ACT RELATING TO THE SCHOOLS OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND TO THE GOVERNING BODY THEREOF AS SET OUT IN CHAPTER 385, SESSION LAWS, 1949, AND THE AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

Section 1. Chapter 385, Session Laws, 1949, as amended, is hereby further amended as follows:

(1) The second sentence of Sec. 2.2, as it appears in Sec. 4 of Chapter 385, Session Laws, 1949, is hereby amended to read as follows:

"The members of the board and the dates of expiration of their respective terms of office are as follows:

Name of Member	Date of Expiration of Term
Thornton H. Brooks	March 31, 1959
J. C. Cowan, Jr.	March 31, 1959
James R. Perrin	March 31, 1961
Richard M. Wilson	March 31, 1961
William M. Hampton	March 31, 1962
Lessie E. Hoyle	March 31, 1962
Richard K. Hunter	March 31, 1962

(2) The words, "the Board of Trustees of the Greensboro City Administrative Unit," in Sec. 2.5(a), as it appears in Sec. 4 of Chapter 385, Session Laws, 1949, are hereby stricken out, and there is inserted in lieu thereof the words, "The Greensboro City Board of Education."

(3) The words and figures, "as provided by General Statutes 115-353", in Sec. 2.7(b), as it appears in Sec. 4 of Chapter 385, Session Laws, 1949, are hereby stricken out and there is inserted in lieu thereof the words and figures, "as provided by General Statutes 115-56."

(4) Sec. 6.2, as it appears in Sec. 4 of Chapter 385, Session Laws, 1949, is hereby amended by adding at the end thereof the following:

"(e) The signature or countersignature of the chairman, the city superintendent of schools, and the treasurer may be affixed to checks or warrants for district funds by a signature machine. The board shall carry forgery insurance in such amount as it may deem reasonably necessary to protect the board against any loss resulting from any non-authorized or improper use of the signature machine and to protect the chairman, the city superintendent of schools, and the treasurer against any liability resulting from any such non-authorized or improper use of the signature machine."

(5) Sec. 6.7, as it appears in Sec. 4 of Chapter 385, Session Laws, 1949, is hereby amended by striking out the words and figures, "General Statutes 115-340 to 115-346", and by inserting in lieu thereof the words and figures, "General Statutes 115-193 to 115-197".

(6) Secs. 8.2 and 8.4(a), as they appear in Chapter 385, Session Laws, 1949, as amended by Section 3 of Chapter 707, Session Laws, 1951, are hereby repealed.

(7) Sec. 8.3, as it appears in Chapter 385, Session Laws, 1949, as amended by Sec. 3 of Chapter 707, Session Laws, 1951, is hereby amended by striking out the words, "regardless of which of the two methods authorized by Section 8.2 hereof is followed", so that the Section as amended will read as follows:

"Sec. 8.3. Provisions of this Article applicable. The provisions of this Article apply to every condemnation proceeding commenced by the board."

(8) Sec. 9.1(b) and Sec. 9.4, as they appear in Chapter 385, Session Laws, 1949, as amended by Chapter 491, Session Laws, 1953, are hereby repealed.

(9) Sec. 9.5(b), as it appears in Chapter 385, Session Laws, 1949, is hereby amended by striking out the words and figures, "Section 9.4 of this Article," and inserting in lieu thereof the words and figures, "Chapter 115 of the General Statutes".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

H. B. 254 CHAPTER 187

AN ACT TO REPEAL CHAPTER 272 OF THE PRIVATE LAWS OF 1915 RELATING TO THE INCORPORATION OF SELMA COTTON MILLS VILLAGE IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 272 of the Private Laws of 1915 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

H. B. 284 CHAPTER 188

AN ACT TO AMEND CHAPTER 196 OF THE SESSION LAWS OF 1957 ANNEXING LITTLE RIVER TOWNSHIP OF HOKE COUNTY TO MOORE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 196 of the Session Laws of the State of North Carolina for the year 1957 is rewritten to read as follows:

"That the boundary line between Hoke County, North Carolina, and Moore County, North Carolina, be and the same is hereby changed and relocated so that that portion of Little River Township which lies within the bounds of the Fort Bragg Military Reservation shall be and continue to be a portion of and within the bounds of Hoke County, while all that portion of Little River Township which lies outside the Fort Bragg Military Reservation shall be and hereafter continue to be a portion of Moore County, North Carolina."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

H. B. 288 CHAPTER 189

AN ACT TO INCREASE THE NUMBER OF TOWN COMMISSIONERS OF THE TOWN OF BATH FROM THREE TO FOUR.

The General Assembly of North Carolina do enact:

Section 1. There shall be elected at the May, 1959 town elections four commissioners and a mayor to serve terms of two years each and until their successors are duly elected and qualified, it being the intent of this Act to increase the number of Commissioners of the Town of Bath from three to four to serve terms of two years each.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

H. B. 296 CHAPTER 190

AN ACT TO AMEND CHAPTER 861 OF THE SESSION LAWS OF 1955 SO AS TO LIMIT THE PLANNING AND ZONING POWERS OF THE CITY OF HIGH POINT TO THE BOUNDARY LINE OF RANDOLPH COUNTY IN A SOUTH DIRECTION.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 861 of the Session Laws of 1955 is amended by stricking out in line 20 of said Section the comma and the word "South" following the word "North".

Said Section is further amended by striking out the semicolon following the word "direction" in line 21, substituting a comma therefor and inserting the following words "and to the Randolph County line in a South direction;".

Sec. 2. Section 4 of Chapter 861 of the Session Laws of 1955 is amended by striking out the comma and the word "South" following the word "North" in line 6 of said Section.

Said Section is further amended by striking out the period following the word "direction" in line 7, substituting a comma therefor and adding the following words "and to the Randolph County line in a South direction.".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

H. B. 297 CHAPTER 191

AN ACT TO AMEND CHAPTER 458 OF THE SESSION LAWS OF 1957 RELATING TO THE APPOINTMENT OF TRUSTEES OF THE TRYON CITY ADMINISTRATIVE SCHOOL UNIT, IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 458 of the Session Laws of 1957 is amended by striking out, in line 4, the figure "1957" and inserting in lieu thereof the figure "1959". Said Section is further amended by striking out, in line 4, the figure "1959" and inserting in lieu thereof the figure "1961". Said Section is further amended by striking out, in line 15, the figure "1957" and inserting in lieu thereof the figure "1959".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

H. B. 366 CHAPTER 192

AN ACT TO REPEAL CHAPTER 353 OF THE PUBLIC LAWS OF 1935, RELATING TO THE CONDUCT OF ELECTIONS IN THE TOWN OF GRAHAM.

The General Assembly of North Carolina do enact:

Section 1. Chapter 353 of the Public Laws of 1935 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

H. B. 410 CHAPTER 193

AN ACT REWRITING SECTION 3 OF CHAPTER 187, PRIVATE LAWS OF 1933, SO AS TO REQUIRE PRIMARY ELECTIONS IN THE TOWN OF ANDREWS.

The General Assembly of North Carolina do enact:

Section 1. That Section 3 of Chapter 187, Private Laws of 1933 as modified by Chapter 222, Public-Local Laws of 1937, be and the same is hereby rewritten to read as follows:

"Sec. 3. That notwithstanding the provisions of Chapter 826, Session Laws of 1957, which provides that Democratic candidates for public office in Cherokee County be nominated in conventions, each political party shall be required to select its candidates for Mayor and Members of the

Board of Aldermen of the Town of Andrews in primary elections as herein provided. The names of the candidates representing the various political parties shall be placed in separate columns on the municipal ballot as now provided by law for the election of county and State officers, and in all respects municipal elections in the Town of Andrews shall be held under the same rules, regulations and laws as apply to general municipal elections, except as herein modified.

"Any person desiring to become a candidate for nomination in the primary for the office of Mayor or a Member of the Board of Aldermen of the Town of Andrews shall, not later than the first Tuesday in April of each election year file with the town clerk a statement of his or her intentions and pay a filing fee of five dollars ($5.00). The primary election of each political party participating shall be conducted by the governing body of the town on the second Tuesday in April of each election year. Should no candidate of a political party participating in the primary receive a majority of the votes cast, a second primary shall be conducted on the third Tuesday in April. The general municipal election in said town shall be held on the first Tuesday after the first Monday in May, as is now provided by law."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

H. B. 414 CHAPTER 194

AN ACT AMENDING H. B. 38 OF THE 1959 SESSION, RATIFIED ON MARCH 17, 1959, AND TO BE CODIFIED AS CHAPTER 80, SESSION LAWS OF 1959 SO AS TO PROVIDE THAT THE COMMISSIONERS OF THE TOWN OF HAYESVILLE RATHER THAN THE COUNTY BOARD OF ELECTIONS SHALL CONDUCT MUNICIPAL PRIMARIES AND ELECTIONS IN SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the first paragraph of subsection (b) of Section 12, Chapter 468, Public Laws of 1913, as rewritten by H. B. 38, 1959 Session and ratified on March 17, 1959, and to be codified as Chapter 80, Session Laws of 1959, be and the same is hereby rewritten to read as follows:

"(b) On the fourth Tuesday preceding the date of the holding of the general municipal election of the Town of Hayesville, there shall be held, under the direction of the town commissioners by election officials designated and appointed by said board for that purpose a party primary for the purpose of nominating candidates for Mayor and Commissioners of the Town of Hayesville. In the event a runoff primary is required to determine the candidates of any political party, the runoff shall be held on the second Tuesday next preceding the date of the general election."

Sec. 2. That subsection (c) of Section 12, Chapter 468, Public Laws of 1913, as rewritten by H. B. 38, 1959 Session and ratified on March 17, 1959, and to be codified as Chapter 80, Session Laws of 1959, be and the same is hereby rewritten as follows:

"(c) Any person desiring to become a candidate for nomination in the primary for the office of Mayor or a Member of the Board of Commissioners of the Town of Hayesville shall, by 12:00 o'clock noon on the second Wednesday preceding the primary election, file with the town clerk a statement of such candidacy in substantially the following form:

'STATE OF NORTH CAROLINA
COUNTY OF CLAY

I, ..., hereby give notice that I reside in the Town of Hayesville, County of Clay, State of North Carolina; that I am a candidate for nomination for the office of mayor, member of the board of commissioners (strike out inapplicable part), to be voted upon at the primary election to be held on the ..... Tuesday of May, 19..... I affiliate with the ..... party and shall support the nominees of that party, and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(Signed) .....'

Each candidate for mayor shall, at the same time, pay to the town clerk a filing fee in the sum of ten dollars ($10.00). Each candidate for commissioner shall, at the same time, pay to the town clerk a filing fee in the sum of five dollars ($5.00)."

Sec. 3. That subsection (e) of Section 12, Chapter 468, Public Laws of 1913, as rewritten by H. B. 38, 1959 Session and ratified on March 17, 1959, and to be codified as Chapter 80, Session Laws of 1959, be and the same is hereby stricken out in its entirety and subsections (f) and (g) are renumbered (e) and (f).

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

S. B. 83 CHAPTER 195

AN ACT TO AMEND SECTION 391 OF CHAPTER 14 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-391 is hereby rewritten to read as follows:

"§ 14-391. Usurious loans on household and kitchen furniture or assignments of wages. Any person, firm or corporation who shall lend money in any manner whatsoever by note, chattel mortgage, conditional sale, or

purported conditional sale or otherwise, upon any article of household or kitchen furniture, or any assignment of wages, earned or to be earned, and shall willfully:

"(1) Take, receive, reserve or charge a greater rate of interest than six per cent (6%), either before or after the interest may accrue; or

"(2) Refuse to give receipts for payments on interest or principal of such loan; or

"(3) Fail or refuse to surrender the note and security when the same is paid off or a new note and mortgage is given in renewal, unless such new mortgage shall state the amount still due by the old note or mortgage and that the new one is given as additional security; shall be guilty of a misdemeanor and in addition thereto shall be subject to the provisions of G. S. 24-2."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 1st day of April, 1959.

S. B. 112 CHAPTER 196

AN ACT TO AMEND ARTICLE 20 CHAPTER 15 OF THE GENERAL STATUTES BY ADDING A NEW SECTION TO AUTHORIZE THE PROBATION COMMISSION TO DELEGATE TO THE DIRECTOR OF PROBATION THE AUTHORITY TO APPOINT AND TERMINATE THE SERVICES OF PROBATION OFFICERS AND CLERKS.

The General Assembly of North Carolina do enact:

Section 1. That Article 20, Chapter 15 of the General Statutes be and it is hereby amended by adding a new Section immediately following G. S. 15-203 and immediately preceding G. S. 15-204, to be numbered G. S. 15-203.1 and reading as follows:

"G. S. 15-203.1. The State Probation Commission may, in its discretion, delegate to the Director of Probation the authority to appoint and terminate the services of probation officers and clerks without the approval of the State Probation Commission or in accordance with rules promulgated by the State Probation Commission."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1959.

H. B. 195 **CHAPTER 197**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BRUNSWICK COUNTY TO CALL A SPECIAL ELECTION FOR THE AUTHORIZATION OF AN INDUSTRIAL DEVELOPMENT TAX FOR BRUNSWICK COUNTY AND TO CREATE AND FIX THE POWERS OF AN INDUSTRIAL DEVELOPMENT COMMISSION FOR BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Brunswick County is authorized and empowered to call a special election upon the duly presented petition of any fifty (50) qualified voters of Bruswick County, to determine whether it be the will of the qualified voters of said county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed ten cents (10¢) on each one hundred dollars ($100.00) valuation of property in said Brunswick County, to be known as an Industrial Development Tax, the funds therefrom, if the levy be authorized by the voters of Brunswick County, to be used for the purpose of attracting new and diversified industries to Brunswick County, and for the encouragement of new business and industrial ventures by local as well as foreign capital.

Sec. 2. There shall be no new registration of the voters of Brunswick County for such election. The registration books shall be open for the registration of new voters of Brunswick County at nine o'clock A. M., Eastern Standard Time, on the fourth Saturday before such election, and the said books shall be closed at sunset on the second Saturday before such election. The Saturday immediately before the election day shall be "Challenge Day". The registrar of each precinct of Brunswick County shall be furnished with a registration book and it shall be his duty between the hours of nine o'clock A. M., Eastern Standard Time, and sunset on each day during the period when the registration books are open, to keep open said books for the registration of new voters of Brunswick County residing within such precinct and entitled to registration. On each Saturday during the period of registration, the registrar shall attend with his registration books at the polling place of his precinct between the hours of nine o'clock A. M., Eastern Standard Time, and sunset for the registration of voters.

Sec. 3. A notice of such registration of new voters shall be published in the newspaper circulated in Brunswick County, once, not less than 30 days before and not more than 40 days before the closing of the registration books, stating the hours and days for registration. It shall not be necessary to specify in said notice the places of said registration, except that the said notice shall state that on each Saturday during the period of registration, each Registrar of Brunswick County will attend with his registration books at the polling place of his precinct, between the hours of nine A. M., Eastern Standard Time, and sunset for the registration of voters.

Sec. 4. The registrars appointed for such election are directed to enter upon the registration books the names of any and all legal residents of Brunswick County, who are or could legally be enfranchised as qualified voters for regular general elections, not heretofore registered, and who may present themselves to be registered. In addition to registering such qualified persons who so present themselves during the specified hours of registration the said registrars are authorized and empowered during any interim period from nine o'clock A. M. on the first set Saturday of registration to and inclusive of five o'clock P. M. on the fourth such Saturday, to see and contact at their homes or elsewhere any such duly qualified persons and to register them upon the registration books.

Sec. 5. The hours of such an election, on a date to be designated by the Board of County Commissioners of Brunswick County, are fixed at seven o'clock A. M. to seven o'clock P. M. The said special election, if called, shall be under the control and supervision of the Brunswick County Board of Elections, and at such special election said election board shall cause to be placed at each voting precinct in Brunswick County a ballot box marked "Industrial Development Tax Election". At said election all voters of Brunswick County who are duly qualified electors and who are duly registered may vote in said election. Each of said voters when he or she comes to the polling place to vote shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words "For Industrial Development Tax" and "Against Industrial Development Tax", which alternates shall appear separated from each other on one ballot containing opposite and to the left of each alternate, squares of appropriate size in one of which squares the voters may make a mark "X" to designate the voter's choice for or against such tax. Such ballots shall be printed on white paper, and each polling place in Brunswick County shall be supplied with a sufficient number of ballots not later than the day before the election.

Sec. 6. The duly appointed judges and other election officials who are name and fixed by the Brunswick County Board of Elections shall count the ballots so cast in such election and the results of the election shall be officially canvassed, certified and announced by the proper officials of the Brunswick County Board of Elections, according to the manner of canvassing, certifying and announcing the elections held under the general election laws of the State. Except as herein otherwise provided, the registration and election herein provided for shall be conducted in accordance with the general election laws of the State as provided for local elections.

Sec. 7. If a majority of those voting in such election favor the levying of such a tax, the Board of Commissioners of Brunswick County are authorized to levy such a tax at a rate not to exceed ten cents (10¢) on each one hundred dollars ($100.00) of assessed value of real and personal property taxable in Brunswick County.

Sec. 8. If the majority of the qualified voters voting in such election favor the levying of such a tax, then and in that event, there is hereby created a commission to be known as the Industrial Development Commission for Brunswick County; such commission shall be composed of

nine members, to be named by the Brunswick County Board of Commissioners as follows: One member from the Northwest Township; one member from the Town Creek Township; one member from the Smithville Township; one member from the Lockwoods Folly Township; one member from the Shallotte Township; one member from the Waccamaw Township; three remaining members to be named at large from any part of Brunswick County. The terms of office of the members of the commission shall be three years, with the exception of the first two years of the existence of the commission, in which three shall be appointed to serve for a period of one year, three for a period of two years, and three for a period of three years; thereafter all members shall be appointed for three years, and shall serve until their successors have been appointed and qualified. All appointments for unexpired terms resulting from resignation, death or other causes shall be made by the Brunswick County Board of Commissioners. The commission shall hold its first meeting within 30 days after its appointment as provided for in this Act, and the beginning date of all terms of office of the commissioners shall be the date on which the commission holds its first meeting. After the members of the commission shall have been appointed and at the time of the holding of the first meeting, they shall, by a majority vote, name and select from their membership their own chairman, vice-chairman, secretary and treasurer, and shall draw up and ratify their own bylaws and procedural rules and policies. The commission member who shall be named treasurer shall have supervision of all funds administered by the commission in any way whatsoever; shall sign and countersign all checks, drafts, bills of exchange, or any and all other negotiable instruments which shall properly be issued under his supervision; and shall furnish such surety bond as shall be designated by the Board of Commissioners of Brunswick County. No money, property or funds of the commission herein created shall be used directly or indirectly as a subsidy or investment in capital stock or capital assets in any business, industry or business venture.

Sec. 9. Under the supervision and jurisdiction of the Industrial Development Commission for Brunswick County there shall be set up a bureau, the purpose of which shall be to encourage new business and industrial development based on either local or foreign capital, in any and all ways which may be deemed advisable by the commission; that the commission shall have charge of the activities of this bureau, full supervision of its operation, and full responsibility for its actions; that this jurisdiction shall include employment of personnel for the bureau, supervision of its purchase and expense accounts, and administration of responsibility for all the tax funds, which shall be turned over to the commission by county authorities from the industrial development tax and any and all other funds which may come into its hands; the commission shall be empowered to lease, rent, or purchase, or otherwise obtain suitable quarters and office space for an industrial development bureau, to lease, rent, or purchase necessary furniture, fixtures, and other equipment, to purchase advertising space in periodicals which may be selected for that purpose, and to otherwise engage in any and all activities which shall, in its discretion, promote the business and indus-

trial development and general economic welfare of Brunswick County, and shall have full power to exercise any and all other proper authority in connection with its duties and not expressly mentioned herein.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1959.

H. B. 241 CHAPTER 198

AN ACT TO APPROPRIATE FROM THE CONTINGENCY AND EMERGENCY FUND THE SUM OF $75,000 TO THE NORTH CAROLINA BOARD OF CORRECTION AND TRAINING TO RENOVATE AND ALTER SURPLUS PROPERTIES AT THE NORTH CAROLINA SANATORIUM AT McCAIN TO PROVIDE FACILITIES FOR TRAINING APPROXIMATELY 150 STUDENTS.

WHEREAS, there is an urgent need to provide additional training facilities for increased numbers of juveniles committed to the State's training schools; and

WHEREAS, facilities which can be made suitable to accommodate 150 of these juveniles will soon become available at the North Carolina Sanatorium at McCain; and

WHEREAS, the Board of the North Carolina Sanatorium System and the Board of Correction and Training have agreed to cooperate to make available such facilities at McCain; and

WHEREAS, building repairs and renovations of this nature may be performed more expeditiously under force account than under bid procedures; and

WHEREAS, there is immediate need for these facilities which justifies emergency procedures; and

WHEREAS, the sum of seventy-five thousand dollars ($75,000.00) will be required to renovate and alter the available facilities at McCain: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the present Contingency and Emergency Fund to the North Carolina Board of Correction and Training the sum of seventy-five thousand dollars ($75,000.00).

Sec. 2. The provisions of Chapter 143-129 of the General Statutes of North Carolina may be waived by the Property Control Division of the Department of Administration in order to properly convert the facilities at the North Carolina Sanatorium for the use described above.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1959.

H. B. 272 CHAPTER 199

AN ACT REPEALING CHAPTER 203, PUBLIC-LOCAL LAWS OF 1933, RELATING TO THE AMOUNT OF THE OFFICIAL BOND OF THE CLERK OF THE SUPERIOR COURT OF YANCEY COUNTY, SO AS TO PLACE SAID COUNTY UNDER THE GENERAL LAWS.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 203, Public-Local Laws of 1933, be and the same is hereby repealed in its entirety. The purpose of this Act is to make the provisions of G. S. 2-3, fixing the amount of the official bond of the Clerk of the Superior Court, apply to Yancey County.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1959.

H. B. 277 CHAPTER 200

AN ACT AUTHORIZING THE CITY COUNCIL OF THE CITY OF HICKORY TO LEASE PROPERTY TO THE HICKORY CHAMBER OF COMMERCE.

The General Assembly of North Carolina do enact:

Section 1. The City Council of the City of Hickory is hereby authorized and empowered to lease a lot which it now owns on the East side of 4th Street, southwest in the City of Hickory, to the Hickory Chamber of Commerce upon such terms and conditions as may be determined by said city council and without the necessity for public advertisement. Provided, that any building which may be constructed upon such property by the Hickory Chamber of Commerce shall become the property of the City of Hickory upon termination of the lease.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1959.

H. B. 295

CHAPTER 201

AN ACT TO ALLOW THE GOVERNING BODY OF THE TOWN OF MORGANTON TO ESTABLISH BY ORDINANCE A RETIREMENT OR PENSION FUND FOR EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The retirement or pension fund which may hereafter be established by the governing body of the Town of Morganton under the provisions of this Act shall be known, and is hereafter referred to, as Morganton Employees Retirement Fund.

Sec. 2. The governing body of the Town of Morganton may establish, by ordinance, a retirement fund which provides for the payment of benefits to employee members of the Morganton Employees Retirement Fund, or to their beneficiaries, in the following cases:

(1) Retirement because of age,

(2) Disability,

(3) Death.

Membership shall include such officers and employees of the Town of Morganton as shall be so designated in the ordinance. The town of Morganton shall contribute to the Morganton Employees Retirement Fund in such amounts as shall be stated in the ordinance, in order to meet the liabilities accruing against such fund because of personal service rendered to said town by such members after the establishment of such fund: Provided, however, that the ordinance may provide benefits which are based, partly or entirely, upon personal services rendered to the Town of Morganton prior to the establishment of said fund, and the municipality may contribute the entire cost of benefits based on any such prior service. The expense of administering the fund shall be paid as designated in the ordinance, and the governing body of said town shall provide and appropriate each year sufficient revenue to cover the expense of the administration.

Sec. 3. The Morganton Employees Retirement Fund shall be maintained on a solvent actuarial reserve basis for all benefits beginning at the date of the inauguration of the fund, excepting the present value of benefits based on prior service.

Sec. 4. The contribution required to cover the cost of benefits based on prior service shall be sufficient to fund the liability for such prior service in not more than 40 years from the date of the establishment of such fund. The ordinance may provide for the appointment or election of a retirement board or board of trustees, and for the delegation to such board of such powers and duties as may be deemed necessary to carry out the intent and purpose for which said fund is established. If such retirement board or board of trustees is provided for by ordinance, the said board shall consist of a member or members of the governing body of the Town of Morganton, an employee or employees entitled to participate in said fund, and one or more citizens of the State of North Carolina not officially connected with the governing body of any municipality or entitled to participate in the benefits of said fund.

Sec. 5. The Town of Morganton may provide for the payment of one or more of the benefits enumerated in Section 2 of this Act by contracting with the governing body of any other municipality or municipalities within the State, with the United States Government, or with State Departments or other competent agencies, or may contract with any insurance company, person or other corporation for the performance of any service in connection with the establishment of said fund, or for the investment, care or administration of said fund, or for any other service relating thereto.

Sec. 6. After the effective date of the ordinance which may hereafter be adopted under and by virtue of the authority of this Act, the Town of Morganton shall not contribute to any pension or retirement fund except under the provisions contained in said ordinance, and in accordance therewith.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1959.

H. B. 299 CHAPTER 202

AN ACT TO EXTEND THE POLICE POWER OF THE TOWN OF TRYON IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The members of the town police of the Town of Tryon in Polk County shall have all the power and authority which they now exercise as police officers within the corporate limits of the said town, in all those areas owned by the town but located outside the corporate limits thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1959.

H. B. 311 CHAPTER 203

AN ACT TO PROVIDE FOR THE APPOINTMENT OF TRUSTEES FOR ALBEMARLE HOSPITAL IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 131-28.8 is amended by adding at the end thereof the following:

"In Pasquotank County the Board of Commissioners of said county shall appoint a Board of Trustees for Albemarle Hospital, consisting of ten members, five of whom shall be appointed from Elizabeth City Township,

and one each from Newland, Providence, Mount Hermon, Nixonton, and Salem Township; five members of said board shall be appointed for a term of one year each, and five members for a term of two years each. At the end of their respective terms their successors shall be appointed for terms of two years each. Any vacancy on the board of trustees shall be filled by the board of commissioners for the unexpired term. The appointments of the members of the Board of Trustees of Albemarle Hospital heretofore made by the Board of Commissioners of Pasquotank County and all acts and things done by said trustees by virtue of their appointments are hereby validated."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1959.

H. B. 319 CHAPTER 204

AN ACT TO AUTHORIZE THE TOWN OF STAR TO SELL A WATER LINE AT PRIVATE SALE TO THE TOWN OF BISCOE IN MONTGOMERY COUNTY.

WHEREAS, the Town of Biscoe has agreed to furnish and sell water to the Town of Star and the Town of Star has agreed to purchase same; and

WHEREAS, in order to obtain the water the Town of Star must install a water line extending from the South corporate limits of the Town of Star to the North corporate limits of the Town of Biscoe; and

WHEREAS, it has been agreed that the master meter shall be placed in said water line at a point which will be agreed to be halfway distant between the two towns; and

WHEREAS, the Town of Biscoe desires to purchase that portion of the water line extending from said master meter to the North corporate limits of the Town of Biscoe: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Town of Star is authorized to sell at private sale to the Town of Biscoe and the Town of Biscoe is authorized to purchase that portion of the water line referred to in the preamble to this Act for such consideration and upon such terms and conditions as may be agreed upon by the governing boards of the two towns. The amount of the purchase price shall in no event be less than the cost of the construction of the water line.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1959.

H. B. 323 CHAPTER 205

AN ACT PERMITTING LINCOLN COUNTY TO AUTHORIZE BONDS FOR SCHOOL PURPOSES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF TWO MILLION DOLLARS NOTWITHSTANDING THE LIMITATION OF DEBT FOR SUCH PURPOSES IN THE COUNTY FINANCE ACT.

The General Assembly of North Carolina do enact:

Section 1. That, pursuant to the provisions of The County Finance Act (Article 9 of Chapter 153 of the General Statutes of North Carolina) the Board of Commissioners for the County of Lincoln, North Carolina, is hereby authorized and empowered to pass a bond order or bond orders authorizing the issuance of bonds of said county for school purposes as provided in clause (a) of Section 153-77 of said General Statutes in the maximum aggregate principal amount of two million dollars ($2,000,000), notwithstanding any limitation contained in Section 153-87 of said General Statutes.

Sec. 2. The powers granted by this Act are in addition to and not in substitution for any other powers heretofore or hereafter granted to said county.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1959.

S. B. 146 CHAPTER 206

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WAYNE COUNTY TO FIX FEES CHARGED BY COUNTY OFFICERS AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY TO FIX THE NUMBER OF SALARIED COUNTY EMPLOYEES AND THE COMPENSATION OF COUNTY OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of subsection 12(a) of G. S. 153-9, as it appears in the 1957 Supplement to the General Statutes, is amended by striking out the word "and" following the word "Surry", in the last line, and inserting in lieu thereof the words "Wayne and".

Sec. 2. G. S. 153-48.5, as it appears in the 1957 Supplement to the General Statutes, is amended by inserting after the word "Warren" and before the word "Yadkin", in line 6 of said Section, the word "Wayne".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1959.

S. B. 151 CHAPTER 207

AN ACT AMENDING G. S. 113-104 SO AS TO REQUIRE PERSONS WHILE HUNTING WILD BIRDS AND ANIMALS TO SURRENDER GUNS FOR INSPECTION UPON REQUEST OF A DULY AUTHORIZED OFFICER.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 113-104 be and the same is hereby amended by adding the following immediately before the last sentence thereof:

"It shall be unlawful for any person while hunting wild birds and animals with a gun to refuse to surrender such gun for inspection upon request of a duly authorized officer."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from the date of its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1959.

H. B. 98 CHAPTER 208

AN ACT TO AMEND CHAPTER 22 OF THE PRIVATE LAWS OF 1935 RELATING TO THE UTILITIES COMMISSION OF THE CITY OF LEXINGTON.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 22 of the Private Laws of 1935 is hereby amended by inserting, following the word "Secretary" and preceding the word "and" in line 4 thereof, the words: "or some other person or employee appointed by said Commission,"; and by inserting, following the word "thereof," and preceding the word "and", the words: "or some other person or employee appointed by said Commission,".

Sec. 2. Section 11 of Chapter 22 of the Private Laws of 1935 is hereby rewritten to read as follows:

"Sec. 11. Said Commission is hereby fully authorized and empowered to fix rates for water, lights, sewage and gas subject to the limitations fixed in any franchise heretofore granted and which may hereafter be granted for the same."

Sec. 3. Section 12 of Chapter 22 of the Private Laws of 1935 is hereby rewritten to read as follows:

"Sec. 12. The Utility Commission shall prepare and adopt an annual budget which shall be submitted to the City Council for inclusion as a part of the annual budget for the City of Lexington. Said Commission shall render a full report to the City Council of Lexington not later than the second Monday of each month which shall show the revenues and expenditures for the month, the revenues and expenditures for the fiscal year to date, and the unencumbered balances in the various accounts of the Utility Commission. At the beginning of the fiscal year the Utility Commission shall estimate the profits which shall result from operations dur-

ing that year, and shall monthly pay to the Treasurer of the City of Lexington a prorated amount of those estimated profits. At the end of the fiscal year, or sooner, if it should be determined by the Utility Commission and the City Council that the amount of profits shall not be as great as the amount estimated, the annual budget shall be amended by the City Council to make appropriate adjustments in revenues and appropriations. At the end of each fiscal year necessary adjustments shall be made so as to reflect the actual amount of profits in the payment by the Utility Commission to the City of Lexington."

Sec. 4. Section 15 of Chapter 22 of the Private Laws of 1935 is hereby rewritten to read as follows:

"Sec. 15. As compensation for their services each member of said Commission shall be paid the same salary paid members of the City Council. The City Manager shall serve as Utilities Manager for the Utility Commission."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1959.

H. B. 111 CHAPTER 209

AN ACT TO AMEND G. S. 62-121.29 RELATING TO TARIFFS OF COMMON CARRIERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-121.29 is hereby amended by adding at the end thereof the following new subsection:

"(7) In any proceeding to determine the justness or reasonableness of any rate or charge of any such carrier, there shall not be taken into consideration or allowed as evidence any elements of value or the earning power of the property of such carrier, good will, or the certificate under which such carrier is operating; and in applying for and receiving a certificate under this Article any such carrier shall be deemed to have agreed to the provisions of this paragraph, on its own behalf and on behalf of all transferees on such certificate. The commission is specifically authorized to consider, among other things, evidence of the relationship of operating expenses to operating revenues in any such proceeding."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1959.

H. B. 147 CHAPTER 210

AN ACT TO AMEND G. S. 47-115 RELATING TO THE EXECUTION OF POWERS OF ATTORNEY.

The General Assembly of North Carolina do enact:

Section 1. The first sentence of G. S. 47-115 is rewritten to read as follows:

"Any instrument in writing executed by an attorney-in-fact shall be good and valid as the instrument of the principal, whether or not said instrument is signed and/or acknowledged in the name of the principal by the attorney-in-fact or by the attorney-in-fact designating himself as attorney-in-fact for the principal or acknowledged in the name of the attorney-in-fact without naming the principal from which it will appear that it was the purpose of the attorney-in-fact to be acting for and on behalf of the principal mentioned or referred to in the instrument."

Sec. 2. This Act shall not affect pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1959.

H. B. 204 CHAPTER 211

AN ACT TO AMEND G. S. 20-125 SO AS TO AUTHORIZE SIRENS AND FLASHING RED LIGHTS TO BE EQUIPPED AND USED UPON VEHICLES OPERATED BY SHERIFFS, DEPUTY SHERIFFS AND OTHER PEACE OFFICERS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-125, as the same appears in Volume 1C of the General Statutes, is hereby amended by adding at the end thereof the following:

"In Brunswick County, any vehicle owned or operated by any sheriff, deputy sheriff, special deputy sheriff, constable or Alcoholic Beverage Control officer may be equipped with a siren and a flashing red light of a type approved by the Commissioner of Motor Vehicles, and such siren and flashing red light may be used at any time by any officer named herein while in the performance of his official duties."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1959.

H. B. 344 **CHAPTER 212**

AN ACT TO AUTHORIZE COUNTIES OF THE STATE TO CALL ELECTIONS ON THE QUESTION OF LEVYING TAXES FOR INDUSTRIAL DEVELOPMENT PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 158 of the General Statutes of North Carolina be amended by designating the first seven Sections thereof as Article 1, and adding thereto a new Article to be known as "Article 2" and to read as follows:

"ARTICLE 2

"G. S. 158-8. The board of county commissioners in any county is authorized and empowered to call a special election to determine whether it be the will of the qualified voters of said county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said county, to be known as an 'Industrial Development Tax', the funds therefrom, if the levy be authorized by the voters of said county, to be used for the purpose of attracting new and diversified industries to said county, and for the encouragement of new business and industrial ventures by local as well as foreign capital, and for the purpose of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial plants in said county, and for the purpose of encouraging agricultural development in said county.

"G. S. 158-9. There shall be no new registration of voters for such an election. The registration books shall be open for registration of new voters in said county and registration of any and all legal residents of said county, who are or could legally be enfranchised as qualified voters for regular general elections, shall be carried out in accordance with the general election laws of the State of North Carolina as provided for local elections. Notice of such registration of new voters shall be published in a newspaper circulated in said county, once, not less than 30 days before and not more than 40 days before, the close of the registration books, stating the hours and days for registration. The special election, if called, shall be under the control and supervision of the county board of elections.

"G. S. 158-10. The form of the question shall be substantially the words 'For Industrial Development Tax', and 'Against Industrial Development Tax', which alternates shall appear separated from each other on one ballot containing opposite, and to the left of each alternate, squares of appropriate size in one of which squares the voters may make a mark 'X' to designate the voter's choice for or against such tax. Such ballot shall be printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election. At such special election the election board shall cause to be placed at each voting precinct in said county a ballot box marked 'Industrial Development Tax Election'.

"G. S. 158-11. The duly appointed judges and other election officials who are named and fixed by the county board of elections shall count the ballots so cast in such election and the results of the election shall be officially canvassed, certified and announced by the proper officials of the board of elections, according to the manner of canvassing, certifying and announcing the elections held under the general election laws of the State. Except as herein otherwise provided, the registration and election herein provided for shall be conducted in accordance with the general election laws of the State as provided for local elections.

"G. S. 158-12. If a majority of those voting in such election favor the levying of such a tax, the board of commissioners of said county are authorized to levy a special tax at a rate not to exceed five cents (5¢) on each one hundred dollars ($100.00) of assessed value of real and personal property taxable in said county, and the General Assembly does hereby give its special approval for the levy of such special tax.

"G. S. 158-13. If the majority of the qualified voters voting in such election favor the levying of such a tax, then and in that event, the county commissioners may create a commission to be known as the 'Industrial Development Commission' for said county. Such commission shall be composed of nine members. The terms of office of the members of the commission shall be three years, with the exception of the first two years' existence of the commission, in which three shall be appointed to serve for a period of one year, three for a period of two years, and three for a period of three years; thereafter, all members shall be appointed for three years, and shall serve until their successors have been appointed and qualified. All appointments for unexpired terms resulting from resignation, death or other causes, shall be made by the county board of commissioners. The commission shall hold its first meeting within 30 days after its appointment as provided for in this Act, and the beginning date of all terms of office of the commissioners shall be the date on which the commission holds its first meeting. After the members of the commission shall have been appointed and at the time of the holding of the first meeting, they shall, by a majority vote, name and select from their membership their own chairman, vice-chairman, secretary and treasurer, and shall draw up and ratify their own bylaws and procedural rules and policies. The commission member who shall be named treasurer shall have supervision of all funds administered by the commission in any way whatsoever; shall sign and countersign all checks, drafts, bills of exchange, or any and all other negotiable instruments which shall properly be issued under his supervision; and shall furnish such surety bond as shall be designated by the board of county commissioners. No money, property or funds of the commission herein created shall be used directly or indirectly as a subsidy or investment in capital assets in any business, industry or business venture.

"G. S. 158-14. Under the supervision and jurisdiction of the Industrial Development Commission for said county there shall be set up a bureau, the purpose of which shall be as set forth in G. S. 158-8. The commission shall have charge of the activities of this bureau, full supervision of its

operations, and full responsibility for its actions. The commission shall employ personnel for the bureau, supervise its purchases and expense accounts, and administer all the tax funds which shall be turned over to the commission by county authorities from the industrial development tax and any and all other funds which may come into its hands. The commission shall be empowered to lease, rent, or purchase, or otherwise obtain suitable quarters and office space for an industrial development bureau, to lease, rent, or purchase necessary furniture, fixtures, and other equipment, to purchase advertising space in periodicals which may be selected for that purpose, and to otherwise engage in any and all activities which shall, in its discretion, promote the business and industrial development and general economic welfare of said county; and its shall have full power to exercise any and all other proper authority in connection with its duties and not expressly mentioned herein. Provided, that said commission shall provide the board of county commissioners 30 days prior to July 1 a proposed budget for the fiscal year commencing on July 1 and shall provide the board of county commissioners an audit by a certified public accountant within 60 days after the expiration of the fiscal year ending on June 30.

"G. S. 158-15. Nothing herein shall prevent the board of county commissioners itself from functioning and carrying out the duties of the Industrial Development Commission as provided for herein."

Sec. 2. The provisions of this Act shall apply only to the following counties: Edgecombe, Franklin, Polk, Rutherford and Vance.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1959.

H. B. 429 CHAPTER 213

AN ACT TO AUTHORIZE THE FRANKLIN COUNTY BOARD OF EDUCATION TO DISPOSE OF CERTAIN SCHOOL PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. That notwithstanding the provisions of G. S. 115-126, the Franklin County Board of Education is hereby authorized to sell to Louisburg College, a North Carolina corporation, at private sale on such terms, cash or credit, as said parties may agree upon, at the price of two hundred twenty-five thousand dollars ($225,000.00), and to convey to said Louisburg College the following described real property:

Situate in the Town of Louisburg, Franklin County, North Carolina, bounded on the North by Clifton Avenue, on the East by Cedar Street, on the South by College Street, and on the West by Main Street, said tract containing thirteen (13) acres, more or less, formerly known as the Louisburg Male Academy property, and upon which is now located the public school known as Mills School: Less and excepting that certain lot

or parcel of land shown on map by Phil R. Inscoe, R. L. S., dated the 17th day of January, 1959, and recorded in Map Book 5, Page 14, in the Office of the Register of Deeds of Franklin County, and subject to the rights of the Town of Louisburg, to ingress, regress, and egress on the aforesaid lands for the purpose of repairing, maintaining, and replacing the present water and sewer lines.

In addition to the above described real property, said board of education is hereby authorized to sell and transfer to said Louisburg College, for the consideration above set out, such personal property and equipment as the parties may agree upon.

Sec. 2. The proceeds of the sale of the real and personal property above described by the Franklin County Board of Education to Louisburg College shall be used by said board of education for the following purposes only: The purchase of land and the construction and purchase of school plant facilities in replacement of the buildings, facilities and equipment on the property hereby authorized to be conveyed by said board of education to Louisburg College.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1959.

S. B. 132 CHAPTER 214

AN ACT TO FIX THE COMPENSATION, TRAVEL AND SUBSISTENCE ALLOWANCE OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The members of the Board of County Commissioners of Columbus County shall receive as compensation for their services the sum of fifteen dollars ($15.00) per day for each day they are engaged in official business for the county, and in addition thereto shall receive mileage at the rate of ten cents (10¢) per mile while engaged in official duties of their offices.

Sec. 2. The members of the Board of County Commissioners of Columbus County, in addition to the compensation and mileage herein provided, shall receive a subsistence allowance in an amount not to exceed ten dollars ($10.00) a day when engaged in travel on official business for the county.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

S. B. 172 **CHAPTER 215**

AN ACT TO AMEND G. S. 147-45 RELATING TO DISTRIBUTION OF COPIES OF SESSION LAWS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-45, 1958 Replacement Volume 3B, is amended by adding to the table of enumerated departments, agencies, institutions and officials the following: "Registers of Deeds of the Counties."; and by adding the figure and word "1 each", in the column headed "Session Laws." to appear opposite the words "Register of Deeds of the Counties" as herein provided.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

S. B. 181 **CHAPTER 216**

AN ACT TO REPEAL CHAPTER 120 OF THE PUBLIC-LOCAL LAWS OF 1929, AS AMENDED, RELATING TO THE TIME OF HOLDING MEETINGS OF THE BOARD OF COMMISSIONERS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 120 of the Public-Local Laws of 1929, as amended by Chapter 83 of the Public-Local Laws of 1931, is repealed.

Sec. 2. The Board of Commissioners of New Hanover County shall hold their meetings in the future in conformity with G. S. 153-8, which Section is hereby incorporated in and made a part of this Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

S. B. 182 **CHAPTER 217**

AN ACT TO FIX THE PUNISHMENT FOR PUBLIC DRUNKENNESS IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 1 of G. S. 14-335 as the same appears in the 1957 Supplement to the General Statutes, is amended by inserting after the comma following the word "Moore" and before the word "Northampton", in line 6, the words "New Hanover".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 91 CHAPTER 218

AN ACT TO AMEND CHAPTER 127 OF THE GENERAL STATUTES RELATING TO THE NATIONAL GUARD AND MILITIA OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 127-11 is amended by striking out in line 7 thereof the word "War" and inserting in lieu thereof the word "Defense".

Sec. 2. G. S. 127-12 is rewritten to read as follows:

"G. S. 127-12. The Governor shall appoint an Adjutant General, which appointment shall carry with it the rank of major general. No person shall be appointed as Adjutant General who has had less than five years commissioned service in an active status in any component of the Armed Forces of the United States. The Adjutant General, while holding such office, may be a member of the active National Guard or Naval Militia."

Sec. 2½. G. S. 127-14, 1958 Replacement Volume 3B, is amended by adding at the end thereof the following: "The Adjutant General may appoint an Assistant Adjutant General for Air National Guard, which appointment may carry with it the rank of brigadier general."

Sec. 3. G. S. 127-13 and G. S. 127-17 are repealed.

Sec. 4. G. S. 127-19 is rewritten to read as follows:

"G. S. 127-19. Except as otherwise specifically provided by the laws of the United States, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the regular service subject in time of peace to such general exceptions as may be authorized by the Secretary of Defense."

Sec. 5. G. S. 127-22 is rewritten to read as follows:

"G. S. 127-22. All officers of the National Guard shall be appointed and commissioned by the Governor as follows, viz:

"1. Except as otherwise specifically provided by the laws of the United States, the qualifications for appointment as an officer in the National Guard shall be the same as those prescribed for the regular establishment, subject to such general exceptions as may be authorized by the Secretary of Defense.

"2. Candidates for such appointment shall make written application therefor on such forms as may be prescribed by the secretary of the appropriate service, to the Adjutant General's Department, State of North Carolina, through command channels for comment by endorsements thereon.

"3. No person shall hereafter be appointed an officer of the National Guard unless he has established to the satisfaction of a board of officers his physical, moral, and professional qualifications to perform the duties of the grade and position for which examined, subject to such general

exceptions as may be authorized by the Secretary of Defense. The board shall consist of three or more commissioned officers of the appropriate service, appointed under such regulations as may be promulgated by the secretary of the appropriate service.

"4. Candidates appointed as officers of the National Guard shall take and subscribe to the following oath of office: 'I,.....
(First Name)
..... do solemnly
(Middle Name) (Last Name)
swear that I will support and defend the Constitution of the United States and the Constitution of the State of North Carolina against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of North Carolina; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ..... in
(Grade) (Branch or Arm of Service)
the National Guard of the State of North Carolina upon which I am about to enter; so help me God.' "

Sec. 6. G. S. 127-24, G. S. 127-26 and G. S. 127-28 are repealed.

Sec. 7. G. S. 127-25 is rewritten to read as follows:

"G. S. 127-25. The promotion of all officers shall be by seniority as far as the same is practicable and to the best interest of the service within the organization, and in accordance with regulations promulgated by the secretary of the appropriate service."

Sec. 8. G. S. 127-27 is rewritten to read as follows:

"G. S. 127-27. Between officers of the same grade in the National Guard, precedence, or relative rank, is determined in the following manner:

"1. According to the date of rank stated in his commission.

"2. When dates of rank are the same, according to the length of time in his current grade and service, continuous or otherwise, while in an active status, not counting such time spent on any supernumerary or retired list, in the inactive National Guard, or in an inactive status in another reserve component.

"3. When dates of rank and length of creditable military service are the same, first, according to age, the older taking precedence; second by lot."

Sec. 9. G. S. 127-29 is rewritten to read as follows:

"G. S. 127-29. 1. Whenever the efficiency or general fitness, including physical fitness, of a National Guard officer is in question, the Adjutant General, State of North Carolina, may order him to appear before an efficiency board to determine whether or not the appointment of the officer should be withdrawn. The efficiency board will be composed of not less than three commissioned officers, all senior in rank to the officer undergoing investigation. A member of the board serving in a legal or medical advisory capacity may be junior to any person, other than a judge advocate, law specialist, or medical officer being considered. The findings of an

efficiency board are not final until reviewed and approved by the Adjutant General, and the Governor of the State of North Carolina.

"2. Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for 30 days, pursuant to sentence of a courtmartial, or pursuant to regulations promulgated by the secretary of the appropriate service.

"3. Officers of the National Guard may, upon their own request, be transferred to the inactive National Guard, subject to such exceptions as may be authorized by the Adjutant General, State of North Carolina, or the Secretary of Defense."

Sec. 10. G. S. 127-31 is rewritten to read as follows:

"G. S. 127-31. 1. Enlistments in the National Guard shall be for such periods and subject to such qualifications as prescribed by the secretary of the appropriate service.

"2. Enlisted men shall not be recognized as members of the National Guard until they shall have subscribed to the following oath of enlistments: 'I, ...

(First Name) (Middle Name) (Last Name)

do hereby acknowledge to have voluntarily enlisted this.....day of ....., 19....., in the (Army) (Air) National Guard of North Carolina and as a Reserve of the (Army) (Air Force) with membership in the (National Guard of the United States) (Air National Guard of the United States) for a period of.....years under the conditions prescribed by law, unless sooner discharged by proper authority; and I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and to the State of North Carolina; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the Governor of North Carolina and the orders of the officers appointed over me, according to law and regulations, and/or the Uniform Code of Military Justice.' "

Sec. 11. G. S. 127-32 is repealed.

Sec. 12. G. S. 127-33 is rewritten to read as follows:

"G. S. 127-33. 1. An enlisted man discharged from service in the National Guard shall receive a discharge in writing, in such form and with such classification as is or shall be prescribed under regulations promulgated by the appropriate service.

"2. Discharges may be given prior to the expiration of terms of enlistment under such regulations as may be prescribed by the Adjutant General, State of North Carolina, or pursuant to regulations promulgated by the secretary of the appropriate service."

Sec. 13. G. S. 127-34 is rewritten to read as follows:

"G. S. 127-34. When called or ordered into federal service and discharged therefrom, members shall continue their membership in the National Guard until the expiration of their enlistment or appointment, unless sooner terminated by proper authority."

Sec. 14. G. S. 127-35 is rewritten to read as follows:

"G. S. 127-35. The discipline of the National Guard shall conform to the system which is now or may hereafter be prescribed for the armed forces, and the training shall be carried out so as to conform to the laws of the United States."

Sec. 15. G. S. 127-36 is rewritten to read as follows:

"G. S. 127-36. The National Guard shall, as far as practicable, be uniformed, armed and equipped with the same type of uniforms, arms and equipment as is or shall be provided for the appropriate regular service."

Sec. 16. G. S. 127-37 is amended by striking out in line 3 the words "as herein prescribed" and inserting in lieu thereof "by the Advisory Board created by G. S. 127-18." Said Section is further amended by striking out the last paragraph thereof.

Sec. 17. G. S. 127-78 is rewritten to read as follows:

"G. S. 127-78. The militia of the State, both officers and enlisted men, when called into the service of the State, shall receive the same pay as when called or ordered into the service of the United States, and shall be rationed or paid the equivalent thereof."

Sec. 18. G. S. 127-79 is amended by striking out in line 9 the words "actual expenses and six dollars ($6.00) per diem", in lines 9 and 10 and inserting in lieu thereof the words "per diem and subsistence prescribed for lawful state boards and commissions generally."

Sec. 19. G. S. 127-82 is rewritten to read as follows:

"G. S. 127-82. A member of the National Guard and militia who shall, when on duty or assembled therefor in case of riot, tumult, breach of peace, insurrection, or invasion, or to repel invasion or in aid of the civil authorities, incur or contract any disease or illness, or disability as a result of disease or illness, by reason of such duty or assembly therefor, which shall temporarily incapacitate him from pursuing his usual business or occupation, shall during the period of such incapacity receive the actual necessary expenses for care and medicine and medical attendance, and the pay of his grade or rank, to be paid out of the contingency and emergency fund, or such other fund as may be designated by law."

Sec. 20. G. S. 127-88 is rewritten to read as follows:

"G. S. 127-88. All public military property of every description which may not be distributed among the units of the National Guard according to law shall be stored and kept in the United States Property and Fiscal Officer for North Carolina Warehouse."

Sec. 21. G. S. 127-89 is repealed.

Sec. 22. G. S. 127-90 is rewritten to read as follows:

G. S. 127-90. Every officer and enlisted man belonging to any unit equipped with public military property shall keep and preserve such property in good order; and for neglect to do so may be punished as a court-martial may direct."

Sec. 23. G. S. 127-91 is rewritten to read as follows:

"G. S. 127-91. Equipment and vehicles issued by the Department of Defense to the National Guard shall be used solely for military purposes, except in those specific cases where nonmilitary use is authorized by the Department of Defense and/or the Governor. Necessary expense in main-

taining such equipment and vehicles, not provided for by the federal government shall be a proper charge against funds appropriated for the National Guard: Provided such expense shall be specifically authorized by the Governor and certified by the Adjutant General."

Sec. 24. G. S. 127-93 is rewritten to read as follows:

"G. S. 127-93. Whenever any military property issued to the National Guard of the State shall have been lost, damaged, or destroyed, and upon report of a disinterested surveying officer it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage or destruction could have been avoided by exercise of reasonable care, the money value of such property shall be charged to the responsible officer or enlisted man, and the pay of such officers and enlisted men from both federal and State funds at any time accruing may be stopped and applied to the payment of any such indebtedness until same is discharged."

Sec. 25. G. S. 127-94 is rewritten to read as follows:

"G. S. 127-94. If any person shall wantonly or willfully injure or destroy any arms, equipment, or other military property of the State or the United States and refuse to make good such injury or loss, or shall sell, dispose of, secrete, or remove the same with intent to sell or dispose thereof, he shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than six months, or both."

Sec. 26. G. S. 127-97 is rewritten to read as follows:

"G. S. 127-97. If any person to whom shall be confided public arms and/or equipment shall sell, or in any manner embezzle the same, or any part thereof, or if any person shall purchase any of them, knowing them to be such, the person so offending shall be guilty of a misdemeanor."

Sec. 27. G. S. 127-98 is rewritten to read as follows:

"G. S. 127-98. Every officer and enlisted man of the National Guard, whenever and wherever he shall see or learn that any of the military property issued to the National Guard is in the possession of any person other than in whose hands they may be placed for safekeeping, under the provisions of the law, shall make immediate demand for the same personally or in writing; and should such person refuse to deliver them to the officer and/or enlisted man he shall be guilty in like manner, and punished in like manner as for selling or embezzling military property."

Sec. 28. G. S. 127-99 is repealed.

Sec. 29. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 30. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 103 CHAPTER 219

AN ACT TO FIX THE COMPENSATION OF CERTAIN OFFICIALS OF ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective July 1, 1959 the Sheriff of Alexander County shall receive as compensation for his services an annual salary of five thousand dollars ($5,000.00). Effective on said date the Clerk of Superior Court of said county shall receive an annual salary of forty-eight hundred dollars ($4800.00). Effective on said date the Register of Deeds of said county shall receive an annual salary of forty-five hundred dollars ($4500.00).

All the salaries mentioned in this Section shall be paid in twelve (12) monthly installments out of the general fund of said county.

Sec. 2. The Chairman of the Board of County Commissioners of Alexander County shall receive as compensation for his services the sum of one hundred dollars ($100.00) per month. The other members of the board of commissioners of said county shall receive as compensation for their services the sum of ninety-five dollars ($95.00) per month each. The chairman and members of the board of county commissioners of said county shall receive no compensation for extra or called meetings of the board.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 136 CHAPTER 220

AN ACT TO AMEND CHAPTER 913 OF THE SESSION LAWS OF 1957 INSOFAR AS IT RELATES TO JUSTICES OF THE PEACE IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 913 of the Session Laws of 1957 is hereby amended by striking out "J. E. Etheridge" opposite the words "Hamilton Township" under the heading "Martin County" as the same appears at the top of page 859 of the Session Laws of 1957 and inserting in lieu thereof "J. L. Etheridge".

Sec. 2. Notwithstanding any provisions of said Chapter 913, said J. L. Etheridge may qualify at any time within 30 days after the ratification of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force on and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 150 CHAPTER 221

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A VICE-RECORDER FOR THE RECORDER'S COURT OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Recorder of the Recorder's Court of Bladen County is authorized to appoint, subject to the approval of the Board of County Commissioners of Bladen County, a vice recorder of said court who shall have the jurisdiction and authority conferred upon the recorder when the recorder shall be prevented from attending to his duties on account of illness or other temporary disability or by reason of his temporary absence. The vice recorder shall receive such compensation for his services as may be fixed by the Board of County Commissioners of Bladen County. The vice recorder shall serve for the same term as that of the recorder. Any vacancies occurring in the office of vice recorder shall be filled by the recorder, subject to the approval of the Board of County Commissioners of said county.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 187 CHAPTER 222

AN ACT TO AMEND G. S. 112-1 RELATING TO THE INCORPORATION AND POWERS OF ASSOCIATION OF THE CONFEDERATE WOMAN'S HOME.

The General Assembly of North Carolina do enact:

Section 1. G. S. 112-1, as the same appears in Volume 3A of the General Statutes, is hereby amended by striking out the words "until January 1, 1960" immediately following the word "existence" and immediately preceding the period, in line 5 of the second paragraph of said Section, and substituting in lieu thereof the words "until January 1, 1970".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 242 CHAPTER 223

AN ACT TO AMEND G. S. 7-186 RELATING TO RECORDERS' COURTS, AS THE SAME APPLIES TO SUCH COURT IN THE TOWN OF MOUNT HOLLY, GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-186 is hereby amended by adding at the end thereof the following:

"At the expiration of the current term of the Recorder of the Mount Holly Recorder's Court, authority to elect the Recorder and his successors thereafter shall be vested in the Board of Aldermen of the Town of Mount Holly. Recorders elected by the Board of Aldermen of the Town of Mount Holly shall serve for a term of two years and until their successors are elected and qualified. The Recorder and other officers of said court shall be compensated on a salary basis rather than a fee basis and the Board of Aldermen of the Town of Mount Holly shall have the exclusive authority to set the amount of the salaries of said Recorder and the other officers of said court."

Sec. 2. This Act shall apply only with respect to the Recorder's Court of the Town of Mount Holly in Gaston County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 243 CHAPTER 224

AN ACT TO PROVIDE FOR THE TRANSFER OF CRIMINAL CASES FROM THE BESSEMER CITY RECORDER'S COURT TO THE SUPERIOR COURT OF GASTON COUNTY WHEN TRIAL BY JURY IS DEMANDED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-204 shall not apply to the Recorder's Court of the Town of Bessemer City.

Sec. 2. In the trial of any criminal case in the Recorder's Court of the Town of Bessemer City, upon demand for a jury by the defendant, the Recorder shall transfer said case to the Superior Court of Gaston County for trial, and the defendant shall execute a new bond in an amount fixed by the Recorder for his appearance at the next term of the Superior Court of Gaston County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 256 CHAPTER 225

AN ACT AMENDING CHAPTER 678, SESSION LAWS OF 1951, RELATING TO THE FEES TO BE CHARGED BY THE SHERIFF OF SWAIN COUNTY FOR MAKING ARRESTS IN CRIMINAL CASES.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 678, Session Laws of 1951, as amended by Section 1 of Chapter 599 of the Session Laws of 1955, is further amended by adding at the end thereof the following:

"In all criminal cases in Swain County in which there is a conviction, there shall be taxed against the defendant ten cents (10¢) for each mile traveled by the arresting officer in making the arrest. The minimum to be taxed in any case shall be one dollar ($1.00). The amount taxed against the defendant in each case shall be collected as part of the costs of the criminal action and shall be paid into the county treasury of Swain County, and the county treasurer shall pay the amount collected at the end of each month to the Sheriff of Swain County as a supplement to such compensation or salary now allowed the sheriff by law. Provided, that in cases where the county is required to pay the costs of the criminal action the provisions herein shall not apply."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 261 CHAPTER 226

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF PERSON COUNTY TO ESTABLISH AND OPERATE PARKING METERS ON COUNTY-OWNED PROPERTY AT THE PERSON COUNTY COURTHOUSE IN ROXBORO.

The General Assembly of North Carolina do enact:

Section 1. The County Commissioners of Person County are hereby authorized and empowered:

(a) To acquire, install and maintain parking meters and parking facilities on the county-owned land adjacent to the county courthouse building;

(b) To adopt such regulations and impose such charges in connection with any parking meters installed or hereafter installed on such land as it may deem advisable;

(c) To adopt and publish such rules and regulations with respect to such parking area and the parking meters thereon as in its opinion may be necessary. Any person violating such rules and regulations adopted by the board of county commissioners shall, upon conviction thereof, be guilty of a misdemeanor and shall be punishable by a fine not exceeding fifty dollars ($50.00) or imprisonment not exceeding thirty (30) days. It shall be the duty of the Sheriff of Person County to enforce the rules and regulations adopted by the board of county commissioners with respect to such parking area and the meters thereon; to collect the money deposited in such parking meters; and pay such money over to the county treasurer.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 263 CHAPTER 227

AN ACT AMENDING ARTICLE 11, CHAPTER 115 OF THE GENERAL STATUTES RELATING TO LOANS FROM THE STATE LITERARY FUND.

The General Assembly of North Carolina do enact:

Section 1. That Article 11, Chapter 115 of the General Statutes of North Carolina be and the same is hereby amended by adding a new Section at the end thereof to be numbered Section 115-108.1 and reading as follows:

"§ 115-108.1. The State Board of Education, under such rules and regulations as it may adopt, may make loans from the State Literary Fund to any county or city board of education, when the State Board of Education finds as a fact that it is not practicable for a loan to be granted in accordance with the provisions of G. S. 115-101, for the purpose of aiding in the erection and equipment of public school plants. Such a loan shall not constitute a credit obligation of the county. No warrant for the expenditure of money for a loan authorized under the provisions of this Section shall be issued except upon the approval of the State Board of Education, and after a finding of fact by said board that it is not practicable for a loan to be granted in accordance with the provisions of G. S. 115-101 and that a dire emergency exists in the administrative unit applying for such loan. Loans made under the provisions of this Section shall be made in accordance with the terms specified in G. S. 115-102 and shall be evidenced by the note of the county or city board of education, executed by the chairman and the secretary of said board. The first installment of such loan, together with the interest then due, shall be paid by the county or city board of education on or before the tenth day of July in the calendar year following the year in which the loan was made, and succeeding installments, together with accrued interest, shall be paid one each on or before the tenth day of July of each successive year until all amounts due on said loan shall have been paid. The provisions of G. S. 115-103 shall not apply to loans made pursuant to the provisions of this Section."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 273 CHAPTER 228

AN ACT AMENDING G. S. 7-113 AS TO THE NUMBER OF JUSTICES OF THE PEACE TO BE ELECTED IN YANCEY COUNTY AND PROVIDING FOR REMOVAL OF SUCH JUSTICES OF THE PEACE FOR CAUSE.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 7-113 be and the same is hereby amended by adding at the end thereof the following:

"Provided that at every general election for members of the General Assembly there shall be elected in each township of Yancey County, one justice of the peace, who shall hold office for a term of two years, from and after the first Monday in December next following his election."

Sec. 2. Any justice of the peace in Yancey County, whether elected by the people or appointed by the General Assembly or by the Resident Judge of the Superior Court, may, after due notice and hearing, be removed from office by the Resident Judge for misfeasance, malfeasance, nonfeasance, or other good cause.

Sec. 3. This Act shall apply to Yancey County only.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 302 CHAPTER 229

AN ACT TO AMEND CHAPTER 644 OF THE SESSION LAWS OF 1953 RELATING TO THE COLLECTION OF BEER AND WINE LICENSE TAXES IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 1 of Chapter 644 of the Session Laws of 1953 is amended by striking out, in lines 6 and 7, the words "register of deeds shall retain the right and privilege" and inserting in lieu thereof the words "Tax Collector of Wake County shall be charged with the duty".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 308 CHAPTER 230

AN ACT ADDING BEAUFORT TO THE LIST OF COUNTIES TO WHICH ARTICLE 35A, CHAPTER 105 OF THE GENERAL STATUTES, RELATING TO THE LISTING OF AUTOMOBILES FOR TAXES IS APPLICABLE.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 105-429 be and the same is hereby amended by adding between the words "Alamance" and "Buncombe" in line 2 thereof the word "Beaufort".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 309 CHAPTER 231

AN ACT TO AMEND CHAPTER 1227 OF THE SESSION LAWS OF 1953 AUTHORIZING THE COUNTY COMMISSIONERS TO FIX THE SALARIES OF COUNTY OFFICIALS AND EMPLOYEES SO AS TO MAKE THE SAME APPLICABLE TO CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 5-A of Chapter 1227 of the Session Laws of 1953 is hereby amended by inserting the word "Currituck" immediately following the word "Chatham" in line 2 of said Section.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 315 CHAPTER 232

AN ACT TO PROVIDE FOR THE EXERCISE OF POWERS BY POLICE OFFICERS ONE MILE BEYOND THE CORPORATE LIMITS OF THE TOWN OF CRESWELL IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Members of the Police Department of the Town of Creswell in Washington County shall have, in all territory embraced within one mile in all directions of the corporate limits of said town, all of the power and authority which they now exercise within the corporate limits of said town.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 316 CHAPTER 233

AN ACT TO POSTPONE THE QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Hertford County is authorized, in its discretion, to postpone until the year 1961 the quadren-

nial revaluation and reassessment of real property in said county, as required by G. S. 105-278.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 320 CHAPTER 234

AN ACT TO CONFER LIMITED CIVIL JURISDICTION UPON THE CRIMINAL TERMS OF COURT OF THE SUPERIOR COURT OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That at all criminal terms of the Superior Court for Robeson County motions may be made, orders, judgments, decrees and causes tried and determined, including trials by jury at criminal terms, in the same manner to the same legal effect as if tried at civil terms of court: Provided, that such matters may only be heard and determined by consent or upon seven days' written notice to the adverse party or his counsel of record.

Sec. 2. The courts shall have jurisdiction to hear and determine divorce cases and other uncontested matters at both civil and criminal terms without notice.

Sec. 3. That the Secretary of State shall, upon the ratification of this Act, immediately certify a copy thereof to the Clerk of the Superior Court of Robeson County.

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. That this Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 339 CHAPTER 235

AN ACT TO APPOINT MEMBERS OF THE COUNTY BOARD OF EDUCATION OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The following persons are hereby appointed members of the County Board of Education of Swain County:

(a) Bryson City School District: G. H. Martin, for a term of six years; Carol Wright, for a term of two years.

(b) Whittier School District: Bob Childress, for a term of six years.

(c) Alarka School District: Williard Smith, for a term of four years.

(d) Almond School District: Claud Cunningham, for a term of four years.

Sec. 2. The persons herein appointed to constitute the Swain County Board of Education shall represent the school district from which appointed on said board of education, and shall qualify by taking the oath of office on or before the first Monday in April, 1959, and shall hold office until their successors have been duly appointed by the next Session of the General Assembly.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 355 CHAPTER 236

AN ACT RELATING TO THE AUDITING OF THE BOOKS AND RECORDS OF JUSTICES OF THE PEACE, AND MAYOR'S COURT OF BRYSON CITY, IN SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-134.3 of Article 17A, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding at the end thereof the following:

"Provided, that in Swain County it shall be the duty of the County accountant to audit the books and records of Justices of the Peace of Swain County each month. This audit shall take place on or before the 15th day of each month for the month immediately preceding. The audit shall be thorough and complete as to jail fees, mileage collected for the benefit of the sheriff's department, and all other fees, fines and forfeitures collected by said justices of the peace. The county accountant shall be required to give each justice of the peace of said county a written copy of his report, which shall contain a complete statement of his findings, and he shall file a copy of said report in the permanent records of his office."

Sec. 2. It shall also be the duty of the County Accountant of Swain County to audit the books and records of the Mayor's Court of Bryson City each month. This audit shall take place at the same time and be conducted in the same manner as the audit for the justices of the peace under the provisions of Section 1 of this Act.

Sec. 3. The county accountant, as compensation for such services, shall receive in addition to his present salary the sum of ten dollars ($10.00) per month, to be paid from the General Fund of Swain County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 356 CHAPTER 237

AN ACT TO AMEND ARTICLE 7A OF CHAPTER 7 OF THE GENERAL STATUTES RELATING TO THE ISSUANCE OF WARRANTS AND RECEIPTS BY JUSTICES OF THE PEACE IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-134.6 is hereby amended by striking out in line 2 thereof the word "Burke".

Sec. 2. The Clerk of Superior Court of Burke County shall cause to be printed, at the expense of the county, warrants and receipt books for the use of justices of the peace and shall from time to time issue the same to the justices of the peace.

Sec. 3. Each justice of the peace shall issue a receipt to every person paying a fine, fee, cost or other item in a criminal case and shall retain a duplicate thereof.

Sec. 4. Each law enforcement officer shall, upon serving a criminal warrant for an offense committed in Burke County, hand to the defendant a duplicate copy of said warrant at the time of said service.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 360 CHAPTER 238

AN ACT REWRITING SECTION 1 OF CHAPTER 1069, SESSION LAWS OF 1953, SO AS TO PLACE ALL POLITICAL PARTIES IN WATAUGA COUNTY UNDER THE STATE-WIDE PRIMARY LAWS.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 1069, Session Laws of 1953, be and the same is hereby rewritten to read as follows:

"Section 1. That Article 19 of Subchapter II of Chapter 163 of the General Statutes, as amended, relating to primary elections, be and the same is hereby made applicable to Watauga County. From and after the effective date of this Act, all political parties in Watauga County shall nominate and select candidates for all county offices according to the State-wide primary laws."

Sec. 2. This Act shall apply to Watauga County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 445 CHAPTER 239

AN ACT TO AMEND CHAPTER 394, SESSION LAWS OF 1955, RELATING TO THE SELECTION OF SCHOOL COMMITTEEMEN FOR THE GRAHAM PUBLIC SCHOOLS IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 394, Session Laws of 1955, is hereby amended by striking out the words "electors of the town" immediately following the word "qualified" and immediately preceding the word "and" in line 4 of said Section, and substituting in lieu thereof the words "voters of Alamance County and residents of the Graham School District".

Sec. 2. Section 1 of Chapter 394, Session Laws of 1955, is further amended by striking out the words "of the town" immediately following the words "qualified voters" and immediately preceding the word "to" in line 7 of said Section and substituting in lieu thereof the words "of Alamance County residing within the Graham School District".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 247 CHAPTER 240

AN ACT TO PREVENT FALSE ADVERTISING AS TO GOING-OUT-OF-BUSINESS SALES IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. For the purposes of this Act "closing-out sale" shall mean and include all sales advertised, represented or held forth under the designation of "going-out-of-business", "discontinuance of business", "selling out", "liquidation", "lost our lease", "must vacate", "forced out", "removal", or any other designation of like meaning; and "person" shall mean and include individuals, partnerships, voluntary associations and corporations.

Sec. 2. (a) No person shall advertise or offer for sale a stock of goods, wares or merchandise under the description of closing-out sale, or a sale of goods, wares or merchandise damaged by fire, smoke, water or otherwise, unless he shall have obtained a license to conduct such sale from the county treasurer. The applicant for such a license shall make to the county treasurer an application therefor, in writing and under oath at least seven (7) days prior to the opening date of sale, showing all the facts relating to the reasons and character of such sale, including the opening and terminating dates of the proposed sale, a complete inventory of the goods, wares or merchandise actually on hand in the place whereat such sale is to be conducted, and all details necessary to locate exactly and identify fully the goods, wares or merchandise to be sold.

(b) If the county treasurer shall be satisfied from said application that the proposed sale is of the character which the applicant desires to

advertise and conduct, the county treasurer shall issue a license, upon the payment of a fee of twenty-five dollars ($25.00) therefor, together with a bond, payable to the county in the penal sum of five hundred dollars ($500.00), conditioned upon compliance with this Article, to the applicant authorizing him to advertise and conduct a sale of the particular kind mentioned in the application; provided, however, that the license fee provided for herein shall be good for a period of thirty (30) days from its date, and if the applicant shall not complete said sale within said thirty (30) day period then the applicant shall make application to the county treasurer for a license for a new permit, which shall be good for an additional period of thirty (30) days, and shall pay therefor the sum of fifty dollars ($50.00); and provided further a second extension period of thirty (30) days may be similarly applied for and granted by the county treasurer upon payment of an additional fee of fifty dollars ($50.00) and upon the county treasurer being satisfied that the applicant is holding a bona fide sale of the kind contemplated by this Article and is acting in a bona fide manner. No additional bond shall be required in the event of one or more extensions as herein provided for. Any merchant who shall have been conducting a business in the same location where the sale is to be held for a period of not less than one year, prior to the date of holding such sale, or any merchant who shall have been conducting a business in one location for such period but who shall, by reason of the building being untenantable or by reason of the fact that said merchant shall have no existing lease or ownership of the building and shall be forced to hold such sale at another location, shall be exempted from the payment of the fees and the filing of the bond herein provided for.

(c) The county treasurer to whom application is made shall endorse upon such application the date of its filing, and shall preserve the same as a record of his office, and shall make an abstract of the facts set forth in such application, and shall indicate whether the license was granted or refused.

(d) Any person making a false statement in the application provided for in this Section shall, upon conviction, be deemed guilty of perjury.

Sec. 3. No person in contemplation of a closing-out sale under a license as provided for in Section 2 shall order any goods, wares or merchandise for the purpose of selling and disposing of the same at such sale, and any unusual purchase and additions to the stock of such goods, wares or merchandise within sixty (60) days prior to the filing of application for a license to conduct such sale shall be presumptive evidence that such purchases and additions to stock were made in contemplation of such sale.

Sec. 4. No person carrying on or conducting a closing-out sale or a sale of goods, wares or merchandise damaged by fire, smoke, water or otherwise, under a license as provided in Section 2 shall, during the continuance of such sale, add any goods, wares or merchandise to the damaged stock inventoried in his original application for such license, and no goods, wares or merchandise shall be sold as damaged merchandise at or during such sale, excepting the goods, wares or merchandise described and inventoried in such original application.

Sec. 5. No person shall conduct a closing-out sale or a sale of goods, wares or merchandise damaged by fire, smoke, water or otherwise beyond the termination date specified for such sale, except as otherwise provided for in subsection (b) of Section 2; nor shall any person, upon conclusion of such sale, continue that business which had been represented as closing out or going out of business under the same name, or under a different name, at the same location, or elsewhere in the county; nor shall any person, upon conclusion of such sale, continue business contrary to the designation of such sale.

Sec. 6. Any person who shall advertise, hold, conduct or carry on any sale of goods, wares or merchandise under the description of closing-out sale or a sale of goods, wares or merchandise damaged by fire, smoke, water or otherwise, contrary to the provisions of this Article, or who shall violate any of the provisions of this Article shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined or imprisoned, or both, in the discretion of the court.

Sec. 7. The provisions of this Article shall not apply to sheriffs, constables or other public or court officers, or to any other person or persons acting under the license, direction or authority of any court, State or Federal, selling goods, wares or merchandise in the course of their official duties; provided, however, that no newspaper publisher, radio broadcast licensee, television broadcast licensee, or other agency or medium for the dissemination of advertising shall be liable under this Article by reason of the dissemination of any false advertisement prohibited by this Article, unless he has refused, on the written request of any law enforcement officer or agency of this State, to furnish to such officer or agency the name and address of the person who caused the dissemination of such advertisement.

Sec. 8. Upon complaint of any person the Superior Court shall have jurisdiction to restrain and enjoin any act forbidden or declared illegal by any provisions of this Article.

Sec. 9. The provisions of this Act shall apply only to Cumberland County.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 285 CHAPTER 241

AN ACT TO REPEAL CHAPTER 1314 OF THE SESSION LAWS OF 1957 RELATING TO THE LAW ENFORCEMENT OFFICERS' RELIEF FUND IN BERTIE COUNTY, AND TO AMEND CHAPTER 897 OF THE SESSION LAWS OF 1953 SO AS TO INCREASE THE FEE TO BE TAXED FOR THE LAW ENFORCEMENT OFFICERS' RELIEF FUND FROM ONE DOLLAR TO ONE DOLLAR AND FIFTY CENTS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1314 of the Session Laws of 1957 is hereby repealed.

Sec. 2. Section 5 of Chapter 897 of the Session Laws of 1953 is hereby amended by striking out the words and figures "one dollar ($1.00)" appearing in line 5 of the Section and substituting therefor the words and figures "one dollar and fifty cents ($1.50)".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 341 CHAPTER 242

AN ACT TO AMEND CHAPTER 1333 OF THE 1957 SESSION LAWS, RELATING TO ASSESSMENTS FOR WATER AND SEWER MAINS SO AS TO APPLY THE SAME TO THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. All of the provisions of Section 1 of Chapter 1333 of the 1957 Session Laws are hereby made applicable to the City of High Point in Guilford County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 342 CHAPTER 243

AN ACT TO AMEND CHAPTER 988 OF THE 1953 SESSION LAWS, RELATING TO STREET AND UTILITY ASSESSMENTS SO AS TO MAKE THE SAME APPLY TO THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. All of the provisions of Sections 1, 2, 3 and 4 of Chapter 988 of the 1953 Session Laws of North Carolina are hereby made applicable to the City of High Point in Guilford County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 363 CHAPTER 244

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HYDE COUNTY TO LEVY A SPECIAL TAX FOR THE PURCHASE OF THE REMAINDER OF THE SCHOOL SITE FOR MATTAMUSKEET HIGH SCHOOL IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Hyde County is hereby authorized and empowered to levy, impose and collect a special ad valorem tax on all taxable property in Hyde County not exceeding five cents (5¢) on each one hundred dollar ($100.00) valuation for the necessary and special purpose of purchasing the remainder of the school site for Mattamuskeet High School in Hyde County and incidental costs connected therewith, it being the purpose of the General Assembly hereby to give its approval for the levy of such special tax for such necessary expenses and special purposes.

Sec. 2. The Board of County Commissioners of Hyde County is hereby authorized and empowered to borrow such funds as may be necessary in anticipation of the collection of said special tax herein provided.

Sec. 3. The special tax provided herein shall be in addition to all other ad valorem taxes which have heretofore or may hereafter be levied in Hyde County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1959.

H. B. 128 CHAPTER 245

AN ACT TO AMEND G. S. 113-38 RELATING TO THE DISTRIBUTION OF FUNDS FROM THE SALE OF FOREST LANDS IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-38, as the same appears in the 1957 Supplement to the General Statutes, is amended by inserting after the comma following the word "Macon," and before the word "Swain" in line 5 of said Section the word "Montgomery,".

Sec. 2. All acts and things heretofore done by the Board of County Commissioners of Montgomery County, or done at the direction of said board of county commissioners, in placing funds paid to Montgomery County under authority of G. S. 113-38 in the general fund of said county are hereby in all respects ratified and validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 212 CHAPTER 246

AN ACT TO AUTHORIZE THE BOARD OF DRAINAGE COMMISSIONERS OF HYDE COUNTY DRAINAGE DISTRICT NUMBER 7 TO PAY THE BALANCE OF COSTS INCURRED BY PETITIONERS IN ESTABLISHMENT OF DRAINAGE DISTRICT IN HYDE COUNTY.

WHEREAS, during the summer of 1956 certain persons of Hyde County petitioned the Clerk of the Superior Court of Hyde County for the establishment of a drainage district in Hyde County; and

WHEREAS, pursuant to G. S. 156-61 these petitioners deposited with the Clerk of the Superior Court of Hyde County the sum of two thousand dollars ($2,000.00) to pay the necessary costs of the drainage proceeding up to the time of the appointment of the drainage commissioners and establishment of the drainage district; and

WHEREAS, these petitioners gave their personal note to the East Carolina Bank in order to secure a loan of the two thousand dollars ($2,000.00) necessary for the establishment of the drainage district; and

WHEREAS, in accordance with the provisions of G. S. 156-61, upon the establishment of the drainage district the board of drainage commissioners refunded to the petitioners the two thousand dollars ($2,000.00) advanced by them; and

WHEREAS, the legal rate of interest which has accrued on the two thousand dollars ($2,000.00) sum advanced by the petitioners for the establishment of the drainage district has not been paid by the board of drainage commissioners; and

WHEREAS, the interest which accrued on the two thousand dollar ($2,000.00) sum advanced by the petitioners constituted a part of the necessary expenses incident to the establishment of Drainage District Number 7 in Hyde County; and

WHEREAS, it appearing that under G. S. 156-61 it was intended by the Legislature that all funds advanced or expenses incurred by the petitioners for the establishment of a drainage district would be refunded by the board of drainage commissioners upon the establishment of the drainage district: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Drainage Commissioners of Hyde County Drainage District Number 7 is hereby authorized, in its discretion, to pay to the petitioners out of the drainage district funds, such sums of money as would constitute a fair interest return for the use of the moneys advanced pursuant to G. S. 156-61 during the period of such advance, as described above.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 223 CHAPTER 247

AN ACT TO AMEND G. S. 20-149 (b) SO AS TO PROVIDE THAT THE FAILURE OF AN OVERTAKING DRIVER TO SOUND HIS HORN SHALL NOT CONSTITUTE NEGLIGENCE OR CONTRIBUTORY NEGLIGENCE PER SE IN ANY CIVIL ACTION.

The General Assembly of North Carolina do enact:

Section 1. That Section 20-149 (b), as the same appears in the 1957 Cumulative Supplement to Volume 1C of the General Statutes, is hereby amended by replacing the period at the end thereof with a comma and adding the following:

"but his failure to do so shall not constitute negligence or contributory negligence per se in any civil action; although the same may be considered with the other facts in the case in determining whether the driver of the overtaking vehicle was guilty of negligence or contributory negligence."

Sec. 1½. This Act shall not apply to pending litigation.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 249 CHAPTER 248

AN ACT TO APPROPRIATE FROM THE CONTINGENCY AND EMERGENCY FUND THE SUM OF TWO THOUSAND DOLLARS TO ELIZABETH CITY STATE TEACHERS COLLEGE TO AID IN DEFRAYING THE EXPENSES OF THE INAUGURATION OF THE NEW PRESIDENT OF THE COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the Contingency and Emergency Fund the sum of two thousand dollars ($2,000.00) to Elizabeth City State Teachers College to be used by said college in defraying the expenses of the inauguration of the new president to be held on April 26, 1959.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 258 CHAPTER 249

AN ACT AMENDING CHAPTER 193, PRIVATE LAWS OF 1923, RELATING TO THE APPOINTMENT, DUTIES AND SALARY OF TOWN CLERK AND ASSISTANT TOWN CLERK FOR THE TOWN OF ENFIELD.

The General Assembly of North Carolina do enact:

Section 1. That Section 13 of Chapter 193, Private Laws of 1923, be and the same is hereby amended to read as follows: "That at its first meeting after each election the board of town commissioners shall appoint from its membership a town clerk whose duties shall be to act as secretary to the board of commissioners, to act as purchasing agent for said town, to supervise the operation of the business office of said town, and to do such other and further acts as may be required of him by said board. The town clerk so appointed shall receive as compensation for his services not more than one thousand two hundred dollars ($1,200.00) per annum, the amount to be fixed by said board. Also, at its first meeting the said board shall appoint from its membership an assistant town clerk whose duties shall be to assist the town clerk and to act as town clerk during the absence of said town clerk."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 270 CHAPTER 250

AN ACT TO AUTHORIZE COUNTIES TO ENTER INTO CONTINUING CONTRACTS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 153 of the General Statutes is hereby amended by adding thereto a new Section, to be numbered 153-2.1, and to read as follows:

"Section 153-2.1. Continuing Contracts. A county is authorized to enter into continuing contracts, some portion of which or all of which may be performed in an ensuing fiscal year, but no such contract shall be entered into unless sufficient funds have been appropriated to meet any amount to be paid under the contract in the fiscal year in which the con-

tract is made. The board of county commissioners shall, in the budget resolution of each ensuing fiscal year during which any such contract is in effect, appropriate sufficient funds to meet the amount to be paid under the contract in such ensuing fiscal year. The statement required by G. S. 153-130 to be printed, written, or typewritten on all contracts, agreements, or requisitions requiring the payment of money shall be placed on a continuing contract only if sufficient funds have been appropriated to meet the amount to be paid under the contract in the fiscal year in which the contract is made."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 271 CHAPTER 251

AN ACT TO AUTHORIZE BOARDS OF COUNTY COMMISSIONERS TO FIX THE OFFICE HOURS AND WORKDAYS IN THE VARIOUS COUNTY OFFICES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9 is hereby amended by adding thereto a new subsection, at the end of said Section, to read as follows:

"Office Hours, Workdays, and Holidays. The board of county commissioners of any county may prescribe the office hours, workdays, and holidays to be observed by the various offices and departments of the county, and the officers and employees of the county may observe such office hours, workdays, and holidays, notwithstanding any other provision of law."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 300 CHAPTER 252

AN ACT TO AMEND CHAPTER 16 OF THE PRIVATE LAWS OF 1937 TO PROVIDE THAT ONE DOLLAR AND FIFTY CENTS BE TAXED IN THE BILL OF COSTS IN CRIMINAL CASES FOR THE HERTFORD COUNTY PEACE OFFICERS RELIEF ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 16 of the Private Laws of 1937, and all Acts amendatory thereto, is hereby amended by striking out the words and figures "one dollar ($1.00)" in lines 6 and 7 thereof and substituting therefor the words and figures "one dollar and fifty cents ($1.50)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 348 CHAPTER 253

AN ACT AMENDING CHAPTER 349, PRIVATE LAWS OF 1891, AS AMENDED, SO AS TO FIX THE DATES FOR HOLDING MUNICIPAL ELECTIONS IN THE TOWN OF HOPE MILLS IN CUMBERLAND COUNTY AND TO FIX THE TERMS OF OFFICE OF THE ELECTED OFFICIALS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That Section 3 of Chapter 349, Private Laws of 1891, the same being the Charter of the Town of Hope Mills, as amended by Section 2 of Chapter 36, Session Laws of 1955, be and the same is hereby amended by striking out the words "on the first Monday in May of any election year" in line 2 of said Section and inserting in lieu thereof the words "on Tuesday after the first Monday in May, 1959, and biennially thereafter."

Sec. 2. That Section 2 of Chapter 58, Session Laws of 1957, be and the same is hereby rewritten to read as follows:

"That Chapter 349, Private Laws of 1891, the same being the Charter of the Town of Hope Mills, be and the same is hereby amended by inserting a new Section between Section 3 and Section 4 thereof, to be numbered Section 3½ and reading as follows:

" 'Sec. 3½. At the municipal election to be held in the Town of Hope Mills in the year 1959, and biennially thereafter, there shall be elected a mayor and three commissioners. The term of office of each of the present commissioners of said town shall end on July 1, 1959, in conformity with the provisions of Section 2 of Chapter 58, Session Laws of 1957. The term of office of the presently elected and serving mayor of said town shall continue until July 1, 1959, in conformity with the provisions of Section 3 of Chapter 36, Session Laws of 1955. The term of office of each of the commissioners of said town and the term of office of the mayor of said town, who shall be elected at the election to take place on Tuesday after the first Monday in May, 1959, shall commence on July 1, 1959, and shall continue until the second Monday in May, 1961, and until their successors shall be duly elected and qualified; provided that, if a vacancy shall be created on or after the second Monday in May, 1959, and prior to July 1, 1959, by the death, resignation or incapacity of the presently elected and serving mayor of said town, or by the death, resignation or incapacity of one or more of the presently elected and serving commissioners of said town, such vacancy or vacancies shall be filled by the person or persons duly elected at the election to be held on Tuesday after the first Monday in May, 1959. Thereafter, the term of office of each of the commissioners and of the mayor of said town shall be for two years beginning on the second

Monday in May, in the same month and year as their election, and continuing until their successors shall be duly elected and qualified.' "

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 352 CHAPTER 254

AN ACT TO AMEND G. S. 2-24 AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF GATES COUNTY TO FIX THE OFFICE HOURS AND WORK DAYS OF THE CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 2-24, as the same appears in Volume 1B of the General Statutes, is hereby amended by adding at the end thereof the following:

"Provided that the office of the Clerk of the Superior Court of Gates County may observe such workdays, office hours and holidays as may be authorized and prescribed by the board of county commissioners of said county. When the last day for filing any papers at the office of said clerk falls upon a day when said office is not open, said papers may be filed on the next day on which said office is open for the transaction of business."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 353 CHAPTER 255

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY TO EXPEND SURPLUS FUNDS FOR THE PURCHASE OF LANDS AND THE CONSTRUCTION OF PUBLIC AND COMMUNITY BUILDINGS THEREON.

WHEREAS, the County of Montgomery has in its sinking fund surplus funds in excess of forty-five thousand dollars ($45,000.00) which are unobligated, the bonds for which the fund was established having been paid in full: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Montgomery County is authorized, in its discretion, to appropriate from its sinking fund an amount not to exceed forty-five thousand dollars ($45,000.00) to be used for the purpose of purchasing land and constructing thereon community

buildings for the use of public meetings, voting places, places for listing taxes and for any other purpose or use to be approved by the board of county commissioners of said county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 357 CHAPTER 256

AN ACT RELATING TO THE APPOINTMENT OF A SINGLE REGISTRAR OF VITAL STATISTICS FOR HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created in Henderson County the office of Registrar of Vital Statistics, charged with the duty of performing in and for the whole of Henderson County, those duties heretofore imposed on local registrars of vital statistics by Article 7 of Chapter 130 of the General Statutes. The Registrar of Vital Statistics of Henderson County and successors to such office shall be appointed by the Board of Commissioners of Henderson County for terms of four years and until successors are appointed. Vacancies occurring in office shall be filled by appointment by the board of commissioners for the unexpired term. The Registrar of Vital Statistics shall be compensated in the same manner and amount as is provided by G. S. 130-72 with respect to local registrars of vital statistics.

Sec. 2. Mrs. R. B. Shealy, Sr., is hereby appointed Registrar of Vital Statistics of Henderson County for a term of four years commencing July 1, 1959.

Sec. 3. The terms of all incumbent local registrars of vital statistics in Henderson County, appointed under the provisions of G. S. 130-40, are hereby terminated.

Sec. 4. This Act shall apply only to Henderson County and shall be in effect only so long as the State Board of Health fails to exercise the authority granted to it under the provisions of G. S. 130-41, to designate and appoint the local health director as local registrar of vital statistics for Henderson County, and if the State Board of Health exercises such authority, then this Act shall be null and void.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 365 CHAPTER 257

AN ACT TO AMEND CHAPTER 731, SESSION LAWS OF 1953, RELATING TO THE CHARTER OF THE CITY OF HENDERSON IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 731, Session Laws of 1953, is hereby amended by adding at the end thereof the following:

"Provided, that the City Council of the City of Henderson may, whenever it shall deem it necessary that the boundaries of the above four wards, or any of them, be changed or adjusted, submit its proposed changes or adjustments to a vote of the registered voters of the City of Henderson at any regular municipal election, and if a majority of the voters who shall vote in the election shall vote in favor of the said changes or adjustments, then the said four wards, or those affected, shall be changed, increased or adjusted accordingly by ordinance duly adopted by the city council and said wards shall thenceforth have new boundaries. Provided further, that the proposed ward changes or adjustments shall not be submitted to a vote of the people if said changes or adjustments would affect any of the elected aldermen then serving so as to place said aldermen in a different ward from which he was elected to serve."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 378 CHAPTER 258

AN ACT TO AMEND CHAPTER 889 OF THE SESSION LAWS OF 1953 RELATING TO THE APPLICATION OF THE CIVIL SERVICE COMMISSION OF THE CITY OF RALEIGH TO CERTAIN EMPLOYEES OF THE CITY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (c) of Section 7 of Chapter 889 of the Session Laws of 1953 is amended by inserting after the comma following the word "court" and before the word "heads", in line 3, the words "assistant clerks of the city court".

Sec. 2. Section 9 of Chapter 889 of the Session Laws of 1953 is amended by striking out, in lines 4 and 5, the words "possessing the right of suffrage" and inserting in lieu thereof the words "nineteen years of age or over".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 379 CHAPTER 259

AN ACT TO AMEND SECTION 15 OF THE CHARTER OF THE CITY OF RALEIGH RELATING TO THE EFFECTIVE DATE OF ORDINANCES.

The General Assembly of North Carolina do enact:

Section 1. Section 15 of the Charter of the City of Raleigh, the same being Section 15 of Chapter 1184, Session Laws of 1949, as amended by Chapter 970, Session Laws of 1957, be further amended by striking out at the end of said Section the period and inserting a comma in lieu thereof, and adding thereto the following:

"Provided that an ordinance repealing an ordinance in whole or in part shall become effective upon its passage, if so stated therein, but shall nevertheless be published as other ordinances are published; and provided further that the City Council may make an ordinance annexing territory to the City of Raleigh effective on a date subsequent to the date of its adoption."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 380 CHAPTER 260

AN ACT TO AMEND SECTION 11 OF THE CHARTER OF THE CITY OF RALEIGH, RELATING TO MEETINGS OF THE CITY COUNCIL.

The General Assembly of North Carolina do enact:

Section 1. Section 11 of the Charter of the City of Raleigh, the same being Section 11 of Chapter 1184, Session Laws of 1949, as amended by Chapter 970, Session Laws of 1957, is hereby rewritten to read as follows:

"Sec. 11. Meetings of City Council. The city council shall fix a suitable time for its regular meetings. The mayor, the mayor pro tempore of the city council, or any two members thereof, may at any time call special meetings by causing a written notice setting the time, place and purpose of holding such meeting, and signed by the person or persons calling the same, to be delivered in hand to each member of the city council, or if he cannot be found to be served personally, by leaving a copy thereof at his place of business, if the notice is to be served on any business day during business hours; or if the notice is not to be served on a business day during business hours then by leaving a copy of said notice at his place of residence. If there is an adult person at the place of residence at the time of service, such notice shall be left in the hands of such person. Monday through Friday between the hours of 9:00 A. M. and 5:00 P. M. and Saturday between the hours of 9:00 A. M. and 1:00 P. M., except legal holidays, shall constitute business days and business hours. Such

notices shall be served at least six hours before the time of such meeting. No business may be transacted by the city council at such special meeting except the business set forth in the notice as being the business for which the meeting is called. Meetings of the city council may also be held at any time when all the members of the council are present and consent thereto. The city council shall have the power at any regular, special or adjourned meeting of the council to adjourn any such meeting to a specific date, hour and place set forth in the motion or resolution for adjournment and without further notice such adjourned meeting may be reconvened and held, and all action taken and matters transacted at such adjourned meeting shall be valid as if taken and transacted at the original meeting."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 382 CHAPTER 261

AN ACT TO AMEND CHAPTER 526 OF THE PUBLIC-LOCAL LAWS OF 1935 RELATING TO THE DIVIDING OF CHEROKEE COUNTY IN DISTRICTS FOR THE PURPOSE OF NOMINATION AND ELECTION OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 526 of the Public-Local Laws of 1935 is hereby amended by adding the words "Walker School House Precinct" immediately following the word "Precinct" and immediately preceding the word "and" in line 4 of the second paragraph of Section 1 of said Chapter.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 390 CHAPTER 262

AN ACT TO REPEAL CHAPTER 623 OF THE SESSION LAWS OF 1949 RELATING TO THE PAYMENT FOR SPECIAL SERVICES IN THE WATER, LIGHT AND TAX OFFICES IN THE TOWN OF HUNTERSVILLE IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 623 of the Session Laws of 1949 is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 395 CHAPTER 263

AN ACT TO CREATE A PEACE OFFICERS' RELIEF FUND FOR THE COUNTY OF PASQUOTANK.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act shall be known and may be cited as the Pasquotank County Peace Officers' Relief Act.

Sec. 2. Definitions. Peace officers shall be deemed to include all peace officers of the County of Pasquotank, North Carolina, or subdivisions thereof including the City of Elizabeth City and any members of the State Highway Patrol residing in Pasquotank County, who are required by the terms of their employment or election to give their full time to the preservation of public order, the protection of life and property, and the detection of crime; and all special officers or citizens who are injured or killed while aiding or assisting regular peace officers or while acting as such peace officers.

Sec. 3. Creating of Association. An association to be known and designated as the Pasquotank County Peace Officers' Protective Association shall be formed, the membership of which shall include all peace officers in Pasquotank County and the members of the State Highway Patrol as defined above.

Sec. 4. Registration. Peace officers who are entitled to membership in the association, in order to share in the benefits provided for in this Act, shall make application for membership in the association on blanks to be furnished for that purpose, giving such information as may be required by said association, and shall pay an initiation fee and annual dues to be fixed by the executive board, hereinafter provided for; provided, however, that such initiation fee shall not exceed five dollars ($5.00) and such dues shall not exceed twelve dollars ($12.00) per annum. Provided further, that the provisions of this Section shall not apply to special officers or citizens who have not had a reasonable time from the date they were appointed, summoned or deputized, to register with said association. And provided further, that said reasonable time shall not exceed thirty (30) days.

Sec. 5. Creating of Executive Board. The Executive Board shall consist of the Mayor of Elizabeth City, the Chief of Police of Elizabeth City, the Chairman of the Board of County Commissioners of Pasquotank County, the Sheriff of Pasquotank County and the Sergeant or officer in charge of the State Highway Patrol of Pasquotank County. The said board shall elect a chairman at its first meeting in each year. A majority of the members of said executive board shall constitute a quorum for the transaction of business.

Sec. 6. Source of Revenue. That in all criminal cases in Pasquotank County, North Carolina, brought in all courts wherein the defendant enters a plea of nolo contendere, a plea of guilty, or shall be adjudged guilty by the court or found guilty by a jury, wherein the costs of the action are paid by the defendant, there shall be taxed in the bill of costs a fee of one dollar ($1.00) to be known as the Peace Officers' Emergency Fee, and shall be collected as other costs in criminal cases are collected, by the justice of the peace, clerk, or other officer of the court authorized to receive costs; such funds so received shall be accounted for monthly, a copy of which report shall be sent to the chairman of the executive board, and such funds turned over to the Treasurer of the Pasquotank County Peace Officers' Protective Association to be held by him and securely kept for the purpose of the association. Provided, however, that such officers' emergency fee, shall not be taxed in the costs in cases where the cost is paid by the county. Donations and contributions to said Pasquotank County Peace Officers' Protective Association may be received from any source approved by the executive board.

Sec. 7. Application of Fund. The money so paid into the hands of the Treasurer of the Pasquotank County Peace Officers' Protective Association shall be known as the Pasquotank County Peace Officers' Relief Fund, and shall be used as a fund for the relief of members of said association who may be injured or rendered sick by disease contracted in the actual discharge of duty as a peace officer, for the relief of their widows and children and if there be no widows and children, then dependent mothers of such officers killed or dying from injuries or disease so contracted in such discharge of duty, and as a pension fund for peace officers grown old in line of duty, and also for the benefit of special officer or citizens injured as such peace officers. All persons entitled to benefits under this Section shall make application to the executive board, above provided for, and said executive board shall investigate each such application and shall determine what benefits shall be paid. The decision of the executive board shall be final and conclusive as to what persons are entitled to benefits and as to the amount of the benefits to be paid, and said executive board shall have power to increase or decrease monthly benefits at any time, and no action at law or suit in equity shall be maintained against said association to enforce any claim or recover any benefit under this article or under the constitution and bylaws of said association; but if any officer or committee of said association omit or refuse to perform any duty imposed upon him or them, nothing therein contained shall be construed to prevent any proceedings against said officer or committee to compel him or them to perform such duty.

Sec. 8. The treasurer shall be appointed by the executive board. The treasurer shall give good and sufficient surety in a sum not less than the amount of money on hand, such bond to be paid for out of the funds of the association, and shall make annual reports to the executive board showing the total amount of money in his hands at the time of the filing of the report, and also an account of receipts and expenditures since his last report. The accumulated funds of the association may be invested

in bonds and securities unanimously approved by the executive board. All interest and other income received from investment or deposits shall be added to the principal of said fund. Expenditures shall only be made upon vouchers properly signed by the chairman of the executive board, the secretary, and the treasurer.

Sec. 9. Salaries and Expenses. All officers and members of the executive board shall serve without compensation, and no salaries shall be paid except an appropriation of not to exceed ten dollars ($10.00) per month for a secretary who shall be appointed by the executive board. Necessary office and stationery supplies shall be paid for out of the funds of the association.

Sec. 10. The Pasquotank County Peace Officers' Protective Association shall adopt a constitution and bylaws, to be approved by the executive board, suitable for carrying out the provisions and purposes of this Act.

Sec. 11. The executive board shall have authority to insure the members of the Pasquotank County Peace Officers' Protective Association against death or disability, or both, during the terms of their employment or terms of office, under forms of insurance known as group insurance or other insurance and the premiums on such insurance to be payable out of the funds of the association.

Sec. 12. Funds not Taxable. The current or accumulated funds of the association shall not be subject to State, county, or municipal taxation.

Sec. 13. Any person, firm or corporation guilty of violating any provisions of this Act shall be guilty of a misdemeanor and shall be fined or imprisoned or both within the discretion of the court.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 400 CHAPTER 264

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF ALAMANCE COUNTY TO EXTEND THE TIME FOR QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY FOR TAXATION.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Alamance County is authorized, in its discretion, to postpone until the year 1960 or the year 1961 the quadrennial revaluation and reassessment of real property for taxation required by the provisions of G. S. 105-278.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

H. B. 401 CHAPTER 265

AN ACT AMENDING G. S. 105-327 RELATING TO THE MEETING OF THE COUNTY BOARD OF EQUALIZATION AND REVIEW OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (e) of G. S. 105-327, as the same appears in Replacement Volume 2C of the General Statutes, is hereby amended by substituting a colon for the period at the end thereof and adding the following:

"Provided, that the County Board of Equalization and Review of Alamance County shall complete its duties not later than the second Tuesday in May of each year."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1959.

S. B. 170 CHAPTER 266

AN ACT TO AMEND CHAPTER 1160 OF THE SESSION LAWS OF 1953 RELATING TO THE FILING OF PAPERS IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT SO AS TO MAKE THE SAME APPLICABLE TO DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1160 of the Session Laws of 1953 is hereby amended by inserting the word "Duplin," immediately following the word "Mecklenburg," in line 1 of Section 1 and immediately following the word "Mecklenburg," in lines 1 and 2 of Section 2 of said Act.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

S. B. 171 CHAPTER 267

AN ACT TO AMEND G. S. 14-335 SO AS TO CHANGE THE PUNISHMENT FOR PUBLIC DRUNKENNESS IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-335 is hereby amended by striking out the word "Duplin," immediately following the word "Davie," as the same appears in line 3 of the subsection designated as "1." in the 1957 Cumulative Supplement to the General Statutes, and by inserting the word "Duplin," immedi-

ately following the word "Chatham," as the same appears in line 1 of the subsection designated as "10." in the 1957 Cumulative Supplement to the General Statutes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

S. B. 178 CHAPTER 268

AN ACT TO EMPOWER POLICEMEN OF THE TOWN OF BEULAVILLE IN DUPLIN COUNTY TO MAKE ARRESTS WITHIN ONE AND ONE-HALF MILES OUTSIDE THE TOWN LIMITS.

The General Assembly of North Carolina do enact:

Section 1. Policemen of the Town of Beulaville in Duplin County are hereby authorized to make arrests in the area outside of but within one and one half miles of the town corporate limits for offenses committed within the corporate limits in the same manner and to the same extent as they are empowered to make arrests within the corporate limits.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

S. B. 188 CHAPTER 269

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF EDGECOMBE COUNTY TO RELEASE CERTAIN TAXES.

WHEREAS, for the tax year 1958 and years prior thereto, the Auditor of Edgecombe County or his assistants, upon request of taxpayers or other interested persons, has from time to time issued statements of taxes due upon specified parcels of real estate in Edgecombe County, pursuant to the provisions of G. S. 105-383; and

WHEREAS, through inadvertence or misunderstandings, some of said certificates of taxes due were erroneous or misleading but in some instances have been relied upon by purchasers or other interested parties to their detriment: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Edgecombe County are hereby authorized and empowered to release certain ad valorem taxes for the year 1958 and prior years upon a finding that a purchaser or other interested party has reasonably relied upon a certificate setting forth taxes due issued by the county auditor or his assistant pursuant to the provisions

of G. S. 105-383 and that such purchaser or other interested party has changed his position because of his reliance upon such certificate or has suffered a detriment thereby. The board shall enter in its minutes the parcels to be released, the years involved, and the reasons for authorizing the release.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

H. B. 154 CHAPTER 270

AN ACT TO REWRITE G. S. 53-66 RELATING TO SAVINGS ACCOUNTS.

The General Assembly of North Carolina do enact:

Section 1. Section 53-66 of the General Statutes is hereby rewritten to read as follows:

"53-66. Savings Deposits. Any bank conducting a savings department may receive deposits on such terms as are authorized by its board of directors and agreed to by its depositors. The board of directors shall prescribe the terms upon which such deposits shall be received and paid out, and a passbook or other evidence of deposit shall be issued to each depositor containing the rules and regulations adopted by the board of directors governing such deposits. By accepting such book or such other evidence of deposit the depositor assents and agrees to the rules and regulations therein contained."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

H. B. 287 CHAPTER 271

AN ACT TO AMEND G. S. 15-80 RELATING TO WAIVER OF EXTRADITION TO PROVIDE THAT WAIVER OF EXTRADITION BY ANY PERSON MAY BE BEFORE A CLERK OF SUPERIOR COURT OR JUDGE OF ANY COURT OF RECORD IN THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-80 is hereby amended by:

(1) Inserting following the word "State" and preceding the words "a writing" in line 7 thereof the words "or a Clerk of the Superior Court";

(2) Inserting following the word "judge" and preceding the word "to" in line 9 thereof the words "or Clerk of Superior Court"; and

(3) Inserting following the word "judge" and preceding the word "shall" in line 13 thereof the words "or Clerk of Superior Court".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

H. B. 327 CHAPTER 272

AN ACT TO AMEND CHAPTER 153 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO LEGAL SETTLEMENT.

The General Assembly of North Carolina do enact:

Section 1. Section 159 of Chapter 153 of the General Statutes of North Carolina is hereby amended by changing the period at the end of line 5 thereof to a colon and by inserting after said colon the following words and punctuation: "Provided, that every person who has legal settlement in any county of this State shall, after having resided continuously in any other county for three months, be deemed legally settled in such other county, for purposes of the County Poor Law codified as Article 13 of Chapter 153 of the General Statutes."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

H. B. 351 CHAPTER 273

AN ACT TO AMEND CHAPTER 53 OF THE GENERAL STATUTES SO AS TO PROVIDE FOR THE APPOINTMENT OF A DEPUTY COMMISSIONER OF BANKS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 53 of the General Statutes is hereby amended by inserting a new Section immediately following G. S. 53-93, to be designated as Section 53-93.1, and to read as follows:

"§53-93.1. Deputy Commissioner. The Commissioner of Banks shall appoint, with approval of the Governor, and may remove at his discretion a deputy commissioner, who, in the event of the absence, death, resignation, disability or disqualification of the Commissioner of Banks, or in case the office of commissioner shall for any reason become vacant, shall have and exercise all the powers and duties vested by law in the Commissioner of Banks. He shall receive such compensation as shall be fixed by the Governor with the approval of the Advisory Budget Commission.

"Irrespective of the conditions under which the deputy commissioner may exercise the powers and perform the duties of the Commissioner of Banks, pursuant to the preceding paragraph, such deputy commissioner, in addition thereto, is hereby authorized and empowered at any and all times, at the discretion of the Commissioner of Banks, to perform such duties and exercise such powers of the Commissioner of Banks in the name of and on behalf of the commissioner as the commissioner, in his discretion, may direct.

"This Section is not to be construed to modify the provisions of G. S. 53-97."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

H. B. 404 CHAPTER 274

AN ACT TO AMEND G. S. 113-247 RELATING TO SUNDAY FISHING.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-247, as the same appears in the 1957 Supplement to the General Statutes, is amended by striking out, in lines 3 and 4, the words "less than two hundred nor more than five hundred dollars or imprisonment not more than twelve months" and inserting in lieu thereof the words "more than fifty dollars".

Sec. 2. G. S. 113-247, as the same appears in the 1957 Supplement to the General Statutes, is amended by adding at the end thereof the following:

"The provisions of this Section shall not apply to Gaston, Mecklenburg, and Craven Counties, nor to portions of streams adjoining said counties."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

H. B. 409 CHAPTER 275

AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR COMMISSIONERS AND FOR FOUR-YEAR TERMS FOR MAYOR IN THE TOWN OF WAKE FOREST IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The regular election of officers for the Town of Wake Forest shall be held on Tuesday after the first Monday in May, 1959, and biennially thereafter under the laws regulating municipal elections not inconsistent with this Act.

Sec. 2. Beginning with the regular election in May, 1959, and quadrennially thereafter, the mayor shall be elected for a term of four years and until his successor is duly elected and qualified.

Sec. 3. At the regular election in May, 1959, the two commissioners receiving the highest number of votes shall serve for terms of four years each, and the three commissioners receiving the next highest number of votes shall serve for terms of two years each. Thereafter, as their terms of office expire, the commissioners shall be elected for terms of four years each and until their successors are duly elected and qualified.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

H. B. 484 CHAPTER 276

AN ACT AMENDING CHAPTER 222, PUBLIC-LOCAL LAWS OF 1939, SO AS TO PROVIDE FOR SECOND PRIMARIES IN THE TOWN OF SPENCER.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 222, Public-Local Laws of 1939 be and the same is hereby amended by adding immediately following the first sentence thereof the following:

"Should no candidate for mayor, of a political party participating in the primary, receive a majority of the votes cast, a second primary shall be conducted on the following Tuesday, provided the candidate receiving the second highest number of votes shall demand in writing filed with the town clerk, a second primary by twelve o'clock noon on Friday following the primary. If no such demand shall be made, the candidate receiving the highest number of votes shall be declared the nominee of his party for mayor.

"Nominations for membership on the board of aldermen shall be determined by a majority of the votes cast and the majority shall be determined by the provisions of G. S. 163-140. If six candidates of a political party participating in the primary for membership on the board of aldermen do not each receive a majority as defined in G. S. 163-140, the six candidates having the highest number of votes shall be declared nominated, unless a second primary shall be demanded in the same manner as provided for a second primary for the office of mayor, to fill those positions for which no candidate received a majority in the first primary. Such demand may be made by any one or all of the candidates equal in number to the positions remaining to be filled and having the second highest number of votes. When any one or all of such candidates in the group receiving the second highest number of votes demand a second primary, such second primary shall be held on the following Tuesday, and only the names of those candidates in the group receiving the highest number of votes and who did not have a majority in the first primary, and all those in the group receiving the

second highest number of votes and demanding a second primary shall be put on the ballot for such second primary. In no case shall there be a third primary, but the candidates for mayor and aldermen receiving the highest number of votes in the second primary shall be declared nominated."

Sec. 2. That the provisions of this Act shall apply to the 1959 municipal primary election in the Town of Spencer and to all subsequent municipal primary elections in the Town of Spencer.

Sec. 3. That the call for a second primary to be held on April 28, 1959, be and the same is hereby in all respects ratified and confirmed.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

S. B. 136 CHAPTER 277

AN ACT TO AMEND G. S. 1-145 RELATING TO VERIFICATION BY ONE OF SEVERAL PARTIES PLEADING TOGETHER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-145 is hereby amended by striking out the words "if the party is in the county where the attorney resides and is" in line 6 thereof and substituting therefor the word "and".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

S. B. 168 CHAPTER 278

AN ACT TO AMEND CHAPTER 237 OF THE SESSION LAWS OF 1951 RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF SOUTHPORT.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 237 of the Session Laws of 1951 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"At the municipal election to be held in May, 1959, the candidate from each ward who receives the highest number of votes shall be elected and serve for a term of four years and the candidate in each ward receiving the second highest number of votes at said election shall be elected and shall serve for a term of two years. Biennially thereafter, one alderman from each ward shall be elected by the voters at large for a four-year term."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

S. B. 173 CHAPTER 279

AN ACT TO AMEND G. S. 161-6, RELATING TO THE APPOINTMENT AND DUTIES OF ASSISTANT REGISTERS OF DEEDS.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of G. S. 161-6 is rewritten to read as follows:

"Each register of deeds is authorized and empowered, in his discretion, to designate one or more assistant registers of deeds. Each assistant register of deeds so designated, in addition to his other powers and duties, shall be authorized to register and sign instruments and documents in the name and under the title of the register of deeds, by himself as assistant. Such signing shall be substantially as follows:

John Doe—Register of Deeds
by Richard Roe—Assistant."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

S. B. 176 CHAPTER 280

AN ACT TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF WALLACE SO AS TO EXCLUDE CERTAIN TERRITORY.

The General Assembly of North Carolina do enact:

Section 1. The following described territory now lying within the corporate limits of the Town of Wallace is hereby excluded from the area within the corporate limits of the Town of Wallace and the same shall cease to be a part of the Town of Wallace on the effective date of this Act, to wit:

BEGINNING at the intersection of the easterly edge of the Wilmington Road with the corporate limits line of the Town of Wallace and running thence as follows:

1. With the aforesaid easterly edge of the Wilmington Road in a northerly direction to the southeasterly corner of Lot No. 1 of the map of the property of Carter Fabrics prepared by H. J. Vann, Surveyor, on June 20, 1951;

2. Thence with the easterly line of Lots 1 through 7 of the above described Carter Fabrics property map to where said line intersects the corporate limits line of the Town of Wallace;

3. Thence with the corporate limits line South 14 degrees 00 minutes East about 1920 feet, more or less, to the old corporate limits monument as shown on the Waldenmaier 1930 map of the Town of Wallace;

4. Thence with the corporate limits line referred to first above, South 76 degrees 00 minutes West about 340 feet, more or less, to the point of BEGINNING.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

S. B. 179 CHAPTER 281

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF MAGNOLIA, IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the Town of Magnolia, in Duplin County, shall be a bird sanctuary.

Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

S. B. 180 CHAPTER 282

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF BEULAVILLE, IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the Town of Beulaville, in Duplin County, shall be a bird sanctuary.

Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits

referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

S. B. 187 CHAPTER 283

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF EDGECOMBE COUNTY TO ADJUST GENERAL AND SPECIAL FUNDS LEDGER BALANCES AS OF JULY 1, 1958.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Edgecombe County are hereby authorized and empowered to adjust general and special funds ledger balances which have accumulated over a long period of years prior to June 30, 1958, so that said funds may be placed upon a current basis as of the beginning of the 1958-59 fiscal year.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

H. B. 23 CHAPTER 284

AN ACT AUTHORIZING THE APPOINTMENT OF ACTING HEADS OF CERTAIN STATE AGENCIES IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 128 of the General Statutes is hereby amended by inserting therein a new Section, to be designated §128-15.2, and to read as follows:

"§128-15.2. Appointment of Acting Heads of Certain Agencies. In every case where a State board or commission is authorized by statute to appoint the executive head of a State agency or institution, that board or commission may appoint an acting executive head of that agency or institution to serve (a) during the physical or mental incapacity of the regular holder of the office to discharge the duties of his office, (b) during the continued absence of the regular holder of the office, or (c) during a vacancy in the office and pending the selection and qualification of a person to serve for the unexpired term.

"An acting executive head of a State agency or institution appointed in accordance with this Section may perform any act and exercise any power which a regularly selected holder of such office could lawfully perform and exercise. All powers granted to an acting executive head of a State agency or institution under this Section shall expire immediately (a) upon the termination of the incapacity of the officer in whose stead he acts, (b) upon the return of the officer in whose stead he acts, or (c) upon the selection and qualification of a person to serve for the unexpired term.

"Each State board or commission may determine (after such inquiry as it deems appropriate) that the executive head of a State agency or institution whom it is authorized by statute to appoint is physically or mentally incapable of performing the duties of his office. Each such board or commission may also determine that such incapacity has terminated."

Sec. 2. G. S. 166-6 is hereby amended by adding thereto a new subsection, to be designated (3), and to read as follows:

"(3) To appoint an acting executive head of any State agency or institution the executive head of which is regularly selected by a State board or commission, to serve (a) during the physical or mental incapacity of the regular holder of the office to discharge the duties of his office, (b) during the continued absence of the regular holder of the office, or (c) during a vacancy in the office and pending (1) the selection and qualification of a person to serve for the unexpired term, or (2) the selection of an acting executive head of the agency by the board or commission authorized to make such selection, and his qualification; and to determine (after such inquiry as he deems appropriate) that the executive head of such State agency or institution is physically or mentally incapable of performing the duties of his office, and also to determine that such incapacity has terminated.

"An acting executive head of a State agency or institution appointed in accordance with this subsection may perform any act and exercise any power which a regularly selected holder of such office could lawfully perform and exercise. All powers granted to an acting executive head of a State agency or institution under this Section shall expire immediately (a) upon the termination of the incapacity of the officer in whose stead he acts, (b) upon the return of the officer in whose stead he acts, or (c) upon (1) the selection and qualification of a person to serve for the unexpired term, or (2) the selection of an acting executive head of the agency or institution by the board or commission authorized to make such selection, and his qualification."

Sec. 3. Nothing in this Act shall be deemed to repeal G. S. 128-39.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

H. B. 24

CHAPTER 285

AN ACT PROVIDING FOR THE APPOINTMENT OF ACTING OFFICERS IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-12 is amended by rewriting the paragraph thereof numbered "(3.)" to read as follows:

"(3) He is to make the appointments and fill the vacancies not otherwise provided for in all departments.

"In every case where the Governor is authorized by statute to make an appointment to fill a State office, he may also appoint to fill any vacancy occurring in that office, and the person he appoints shall serve for the unexpired term of the office and until his successor is appointed and qualified.

"In every case where the Governor is authorized by statute to appoint to fill a vacancy in an office in the executive branch of State government, the Governor may appoint an acting officer to serve (a) during the physical or mental incapacity of the regular holder of the office to discharge the duties of his office, (b) during the continued absence of the regular holder of the office, or (c) during a vacancy in an office and pending the selection and qualification, in the manner prescribed by statute, of a person to serve for the unexpired term.

"An acting officer appointed in accordance with this subsection may perform any act and exercise any power which a regularly appointed holder of such office could lawfully perform and exercise. All powers granted to an acting officer under this subsection shall expire immediately (a) upon the termination of the incapacity of the officer in whose stead he acts, (b) upon the return of the officer in whose stead he acts, or (c) upon the selection and qualification, in the manner prescribed by statute, of a person to serve for the unexpired term.

"The Governor may determine (after such inquiry as he deems appropriate) that any of the officers referred to in this paragraph is physically or mentally incapable of performing the duties of his office. The Governor may also determine that such incapacity has terminated.

"The compensation of an acting officer appointed pursuant to the provisions of this subsection shall be fixed by the Governor with the approval of the Advisory Budget Commission."

Sec. 2. Nothing in this Act shall be construed to repeal G. S. 128-39.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

H. B. 193 CHAPTER 286

AN ACT TO AMEND G. S. 58-79 RELATING TO INVESTMENT BY DOMESTIC STOCK AND MUTUAL LIFE INSURANCE COMPANIES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of subsection 1, subparagraph (g) of G. S. 58-79 is amended by striking out in line 4 of said paragraph the words and figures "sixty-six and two-thirds per cent (66 2/3%)" and inserting in lieu thereof the words and figures "seventy-five per cent (75%)".

The third paragraph of subsection 1, subparagraph (g) of G. S. 58-79 is amended by striking out in lines 6 and 7 of said paragraph the words and figures "sixty-six and two-thirds per cent (66 2/3%)" and inserting in lieu thereof the words and figures "seventy-five per cent (75%)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

H. B. 194 CHAPTER 287

AN ACT TO AMEND G. S. 58-210 TO ALLOW GROUP LIFE INSURANCE POLICIES ON AT LEAST TEN EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-210 (1), as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the number "25" in subdivision c. thereof and substituting therefor the number "10".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

H. B. 210 CHAPTER 288

AN ACT TO AMEND G. S. 157-76 RELATING TO THE COMPENSATION OF THE BOARD OF VIEWERS APPOINTED TO EXAMINE LANDS IN THE ESTABLISHMENT OF DRAINAGE DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 156-76 is amended by striking out in line 7 the words "shall not exceed four dollars per day" and inserting in lieu thereof the words "shall be in such amount per day as may be fixed by the Clerk of the Superior Court".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

H. B. 252 CHAPTER 289

AN ACT TO AMEND PARAGRAPH (2) OF G. S. 97-2 SO AS TO PROVIDE FOR THE EXTENSION OF WORKMEN'S COMPENSATION COVERAGE TO ALL OFFICERS AND EMPLOYEES OF MUNICIPAL CORPORATIONS AND POLITICAL SUBDIVISIONS OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. The first sentence of paragraph (2) of G. S. 97-2, as the same appears in the 1958 Replacement Volume 2C of the General Statutes, is amended by striking out all of the first sentence following the semicolon in line 11 thereof, and substituting in lieu thereof the following:

"As relating to municipal corporations and political subdivisions of the State, the term 'employee' shall include all officers and employees thereof, except such as are elected by the people: Provided, that the governing body of any municipal corporation or political subdivision may, in its discretion, bring officers elected by the people within the coverage of this Article by adopting an appropriate resolution, and during the time such resolution is in effect any such elected officer shall be deemed to be an 'employee' of such municipal corporation or political subdivision under this Article."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on July 1, 1959.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

H. B. 269 CHAPTER 290

AN ACT AMENDING G. S. 153-9 AND CREATING THE OFFICE OF COUNTY FIRE MARSHAL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9 is hereby amended by adding thereto a new subsection, after subsection 39 and before subsection 40, to be numbered subsection 39a, and to read as follows:

"39a. County Fire Marshal. The board of commissioners of any county may appoint a county fire marshal, to serve at the will of the board, to receive such compensation as the board may determine, to have such assistants and employees as the board may provide, and to perform such duties as the board may require. The duties of the county fire marshal may include, but shall not be limited to (1) the coordination of all fire fighting activities in the county which are within the jurisdiction of the board of

commissioners, (2) the coordination of all fire prevention activities in the county which are within the jurisdiction of the board of commissioners, and (3) the making of inspections and reports of the public schools required by Article 17, Chapter 115, of the General Statutes: Provided, that the county fire marshal shall not make the electrical inspections required by said Article unless he is qualified to do so under the provisions of G. S. 160-122. In lieu of appointing a county fire marshal, the board may impose any duties, which could be imposed upon a county fire marshal if one were appointed, on any other officer or employee of the county. The board of commissioners may make necessary appropriations to cover expenses incurred pursuant to the provisions of this subsection."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

H. B. 324 CHAPTER 291

AN ACT TO AMEND G. S. 113-247 RELATING TO FISHING IN A CERTAIN PORTION OF THE ROANOKE RIVER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-247, as the same appears in the 1957 Cumulative Supplement to Recompiled Volume 3A of the General Statutes, is hereby amended by striking the period from the end of line 10 of said Section and inserting in lieu thereof a semicolon followed by the words: "provided, further, that this Section shall not apply to the taking of rock fish and any other non-game fish with skim and dip nets used in accordance with regulations of the Wildlife Resources Commission on that portion of the Roanoke River between the highway bridge on U. S. Highway No. 301 at Weldon and the highway bridge on U. S. Highway No. 258 North of Scotland Neck."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

H. B. 503 **CHAPTER 292**

AN ACT PROVIDING FOR A REFERENDUM ELECTION IN THE WILSON CITY ADMINISTRATIVE SCHOOL UNIT UPON THE QUESTION WHETHER THE WILSON CITY BOARD OF EDUCATION SHALL BE ELECTED BY THE QUALIFIED VOTERS OF SAID ADMINISTRATIVE UNIT OR WHETHER THEY SHALL BE APPOINTED BY THE GOVERNING BODY OF THE CITY OF WILSON, AS AT PRESENT.

The General Assembly of North Carolina do enact:

Section 1. The Wilson County Board of Elections is hereby authorized, empowered and directed to call and conduct a special election in the Wilson City Administrative School Unit on the 5th day of May, 1959. At said special election the following question shall be submitted to the qualified voters of said City Administrative School Unit:

"Shall the Wilson City Board of Education be elected by the qualified voters of the Wilson City Administrative School Unit?"

The ballots shall be so arranged that those in favor of the election of the members of said board of education by the qualified voters of the Wilson City Administrative School Unit will vote "Yes", and those favoring the appointment of the members of said board of education by the governing body of the City of Wilson will vote "No".

Sec. 2. The notice of said special election shall be given by publication once a week for three (3) consecutive weeks in some newspaper published in the City of Wilson and having a general circulation throughout the Wilson City Administrative School Unit. The first publication of such notice shall be made not less than twenty-one (21) days before the election. Said election shall be conducted under the State-wide election law as modified by the loose leaf registration system in effect in Wilson County. The costs of said special election shall be paid by Wilson County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

H. B. 190 **CHAPTER 293**

AN ACT REWRITING SECTION 22 OF CHAPTER 39, PRIVATE LAWS OF 1907 AND SECTION 1 OF CHAPTER 271, PUBLIC-LOCAL LAWS OF 1937, RELATING TO THE COMPENSATION OF THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF THE CITY OF NEWTON.

The General Assembly of North Carolina do enact:

Section 1. That Section 22 of Chapter 39, Private Laws of 1907, be and the same is hereby rewritten to read as follows:

"The mayor of the city of Newton shall receive as compensation for his services the sum of six hundred dollars ($600.00) per fiscal year, to be paid in equal monthly installments from the general fund of the city."

Sec. 2. That Section 1 of Chapter 271, Public-Local Laws of 1937, be and the same is hereby rewritten to read as follows:

"The members of the board of aldermen of the city of Newton shall receive as compensation for their services the sum of fifteen dollars ($15.00) per calendar month, but the board of aldermen may, by its own action, adopt an ordinance increasing the salaries of the members of said board to a sum not to exceed twenty-five dollars ($25.00) per calendar month."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1961.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

H. B. 325 CHAPTER 294

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SCOTLAND COUNTY TO FIX ALL OFFICIAL FEES TO BE CHARGED IN CASES TRIED IN THE COUNTY CRIMINAL COURT OF SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Scotland County is hereby authorized and empowered to fix all official fees which may be charged by the Clerk of Court, Trial Justice and Solicitor of the County Criminal Court of Scotland County in any case tried before said court.

Sec. 2. The Board of County Commissioners of Scotland County shall fix and determine the time when said fees, or modifications thereof, shall go into effect, and the same shall become effective upon filing with the clerk of the county criminal court a list of said fees so fixed by the board of county commissioners.

Sec. 3. Until such fees are altered or modified by said board of county commissioners as herein provided, the official fees now in force and effect shall continue to be charged and collected by the clerk of the county criminal court.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

H. B. 326 CHAPTER 295

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SCOTLAND COUNTY TO FIX THE FEES WHICH MAY BE CHARGED BY VARIOUS COUNTY OFFICERS OF SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Scotland County is hereby authorized and empowered to fix, in its discretion, all fees and commissions which may be charged by the Register of Deeds, Clerk of Superior Court, Sheriff, Jailer and Coroner of Scotland County for the performance of any service or duty permitted or required by law. Such fees and commissions may be fixed from time to time and once fixed may be changed at any time. Action to fix such fees and commissions shall be taken by resolution of the board of county commissioners. Until the board of county commissioners takes such action to fix any fee or commission, such fee or commission shall continue to be charged as now provided by law. Upon the fixing of any fees by resolution of the board of county commissioners, a copy of such resolution shall be filed with the particular officer to whom such resolution applies and thereafter it shall be the duty of such officer to charge and collect said fees according to the resolution.

Sec. 2. The provisions of this Act shall apply to Scotland County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

H. B. 413 CHAPTER 296

AN ACT TO FIX THE FEES OF JUSTICES OF THE PEACE IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective the first day of the month after the ratification of this Act, the fees to be charged by justices of the peace in Burke County shall be as hereinafter set out. Provided, however, the fees to be charged by justices of the peace in said county for any item shall be that provided by the General Statutes if no fee for such item is fixed in this Act.

Issuing warrant	$2.00
Issuing warrant and trial of case	5.00
Civil summons whether heard or not	3.50
Claim and delivery whether heard or not	3.50
Ejectment proceeding whether heard or not	3.50
Attachment proceeding whether heard or not	3.50

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

S. B. 109 CHAPTER 297

AN ACT TO REWRITE G. S. 114-11.1 SO AS TO CLARIFY THE REQUIREMENT AS TO STATISTICAL DATA FURNISHED THE CHIEF JUSTICE BY THE CLERKS OF SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 114-11.1 as the same appears in the 1957 Cumulative Supplement to Volume 3A of the General Statutes is hereby rewritten to read as follows:

"§ 114-11.1. Statistical data to be furnished to the Chief Justice. The Clerks of the Superior Court shall furnish to the Chief Justice all such statistical data with respect to civil and criminal litigation in the Superior Courts as may be required by the Chief Justice, such data to be furnished on forms provided by the Chief Justice for this purpose and at such times as he shall require the same. Any Clerk of Superior Court in the State of North Carolina who shall wilfully fail or refuse to furnish such statistical data, after demand has been made therefor by the Chief Justice, shall be subject to be amerced, upon motion of the Chief Justice, in the sum of two hundred fifty dollars ($250.00), in the Superior Court of the county in which such Clerk resides, such amercement to inure to the benefit of the school fund of said county."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 15th day of April, 1959.

H. B. 202 CHAPTER 298

AN ACT TO PREVENT THE TAKING OF DEER ON THE CHOWAN RIVER WITH THE AID OF BOATS.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person or persons to take or kill any deer in or within one hundred (100) yards of the Chowan River lying in the area commencing on the Virginia State line on the East or Gates County side of the river and following the river to the Gates and Chowan County line, and in the area commencing on the Virginia State line on the West or Hertford County side of the river and following the river to the Hertford and Bertie County line, with the aid of any boat or other floating device.

Sec. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) and not more than one hundred dollars ($100.00) or imprisoned for not less than thirty (30) nor more than sixty (60) days.

Sec. 3. The North Carolina Wildlife Resources Commission shall have jurisdiction to enforce the provisions of this Act.

Sec. 4. This Act shall not prohibit the transportation of hunters or their legally taken game up or down the Chowan River.

Sec. 5. The provisions of this Act shall not apply to any of the tributaries or creeks which lie within the specified area set forth in this Act.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1959.

H. B. 418 CHAPTER 299

AN ACT AUTHORIZING THE TOWN OF OLD FORT TO SELL AT PRIVATE SALE CERTAIN LAND NOT NEEDED FOR MUNICIPAL PURPOSES.

WHEREAS, the Town of Old Fort is the owner of a certain tract of land containing 12 acres, more or less, specifically described in a deed of conveyance from G. W. Sandlin, et al, to the Town of Old Fort, which said deed is dated April 27, 1927, and duly recorded in the office of the Register of Deeds for McDowell County in Deed Book 68 at page 505; and

WHEREAS, said property was originally purchased by said town to be used as a site for a reservoir for the town's waterworks system; and

WHEREAS, the town located its reservoir on another tract of land and the 12 acres referred to above as the Sandlin property, is not now being used for any purpose and is not needed for any governmental function of the Town of Old Fort; and

WHEREAS, said 12 acres of land is well situated for use and development as a residential section, and various persons are interested in purchasing residential lots to be located on said tract of land; and

WHEREAS, it is considered by the governing body of the Town of Old Fort to be in the best interest of said town that said property be sold at private sale for a residential development and that said property will bring considerably more at private sale than at public auction: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That notwithstanding the provisions of G. S. 160-59, the governing body of the Town of Old Fort be and it is hereby authorized and empowered to sell at private sale for such an amount and upon such terms as said governing body shall determine that certain tract of land containing 12 acres, more or less, specifically described in a deed of conveyance from G. W. Sandlin, et al, to the Town of Old Fort, said deed being duly

recorded in the office of the Register of Deeds for McDowell County, North Carolina, in Deed Book 68 at page 505. Said governing body is authorized to sell said land either in one tract or to divide the same into residential lots and sell the lots separately. The governing body of said town is hereby authorized to direct the mayor and town clerk to execute and deliver to the purchasers proper deeds conveying to them in fee simple title to said property.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1959.

H. B. 421 CHAPTER 300

AN ACT TO AMEND CHAPTER 1109 OF THE SESSION LAWS OF 1957 RELATING TO THE ISSUANCE OF WARRANTS BY JUSTICES OF THE PEACE SO AS TO MAKE THE SAME INAPPLICABLE TO PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 5-1 of Chapter 1109 of the Session Laws of 1957 is amended by striking out in line 4 the word "Pitt,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1959.

H. B. 430 CHAPTER 301

AN ACT TO AMEND CHAPTER 946 OF THE SESSION LAWS OF 1955, AS AMENDED, RELATING TO A SUPPLEMENTARY PENSION FUND FOR POLICEMEN IN THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 946 of the Session Laws of 1955, as rewritten by Section 1 of Chapter 112 of the Session Laws of 1957, is rewritten to read as follows:

"Sec. 2. Any person who is a full time paid member of the Gastonia Police Department, as shown by the records of the City of Gastonia, at the time of the ratification of this Act, or any person who shall become such a full time paid member, or any member of the board of trustees of the 'Supplementary Pension Fund' shall be eligible for benefits from the 'Supplementary Pension Fund' provided such person has been retired as an employee of the City of Gastonia under the provisions of the Law Enforcement Officers' Benefit and Retirement Fund or the North Carolina

Local Governmental Employees' Retirement System; and provided further that no member of the board of trustees or of the Gastonia Police Department shall be eligible for benefits from the 'Supplementary Pension Fund' unless he has been a member of the board of trustees for a period of 12 years or a member of the Gastonia Police Department for a period of 15 years, or if a member of the board of trustees or a member of the Police Department has served for 10 years or more and becomes disabled, he may be retired within a period of not less than 30 days nor more than 90 days following a medical examination of such member by a physician or physicians appointed by the city council of Gastonia and upon the certification of such physician or physicians that the member is mentally or physically permanently incapacitated for the further performance of duty. It is further provided that this Act does not modify or alter in any way the Workmen's Compensation Laws of the State of North Carolina."

Sec. 2. Section 3 of Chapter 946 of the Session Laws of 1955, as rewritten by Section 2 of Chapter 112 of the Session Laws of 1957, is amended by inserting after the word "Fund" and before the word "an", in line 6, the following: "so long as funds are available".

Sec. 3. Section 9 of Chapter 946, which was repealed by Section 3 of Chapter 112 of the Session Laws of 1957, is rewritten to read as follows:

"Sec. 9. The board of trustees is authorized at any time to call an election among the members of the Gastonia Police Department to decide whether or not the corpus of the 'Supplementary Pension Fund' shall be increased by adding two per cent (2%) of the gross salary of each member of the police department to such fund. Upon an affirmative vote of three-fourths of the members of the police department, the City of Gastonia shall cause to be deducted from the salary of each member of the police department on each and every payroll two per cent (2%) of the gross salary of such member and shall pay over such amounts so deducted to the trustees of the 'Supplementary Pension Fund', who shall hold, invest, sell, reinvest, or disburse such funds as provided in this Chapter; provided, that if a member of the police department withdraws from such employment prior to retirement, his contributions shall be refunded without interest; provided further, that if a member of the police department withdraws his contributions, he will lose credit for all prior service if he at a later date again becomes a member of the police department unless such member replaces the amount refunded to him when he withdrew from employment as a member of the Gastonia Police Department; provided further, that if a member dies before retirement, his contributions shall be refunded to his estate or designated beneficiaries; and provided further, that if a member retires and dies before receiving the full amount of his contributions in monthly retirement checks, the difference arising therefrom will be refunded in a lump sum to his estate or designated beneficiaries."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1959.

S. B. 130 CHAPTER 302

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF COLUMBUS COUNTY TO APPOINT A DEPUTY RECORDER OF THE COLUMBUS COUNTY RECORDER'S COURT AND TO FIX HIS SALARY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Columbus County is hereby authorized to appoint a deputy recorder of the Recorder's Court of Columbus County, who shall serve at the pleasure of such board and shall be paid out of the general fund, such salary as the board of county commissioners may deem commensurate with his services. The deputy recorder so appointed shall have power and authority to hold court and to perform all other judicial functions, at such times as the regular judge is, for any reason, unavailable, as fully in all respects as such regular judge could hold such court or exercise such functions.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1959.

S. B. 197 CHAPTER 303

AN ACT TO EXTEND THE TIME FOR MAKING THE QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Martin County is authorized, in its discretion, to defer or postpone until the year 1961, the quadrennial revaluation and reassessment of real property for ad valorem tax purposes as required by G. S. 105-278.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1959.

H. B. 46 CHAPTER 304

AN ACT TO AMEND G. S. 113-95 SO AS TO PROVIDE FOR A SPECIAL HUNTING LICENSE AS TO CONTROLLED SHOOTING PRESERVES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-95 is hereby amended by adding a new paragraph to the end thereof to read as follows:

"Notwithstanding any other provisions of this Section, an applicant shall be permitted to hunt on a 'controlled shooting preserve', as defined in subsection (6) of G. S. 113-84, if he possesses a special controlled shooting preserve hunting license. Said applicant shall pay to the officer or person issuing the license the sum of five dollars ($5.00) as a license fee, and the sum of twenty-five cents (25¢) as a fee to the officer or person, other than the commissioner, for issuing the same, and shall thereby obtain a controlled shooting preserve license entitling such person to hunt, during the year for which such license is issued, on any controlled shooting preserve in the State without the necessity of having any other hunting license."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 16th day of April, 1959.

H. B. 215 CHAPTER 305

AN ACT PROVIDING THAT THE BOUNDARIES OF THE CITY OF THOMASVILLE CITY ADMINISTRATIVE SCHOOL UNIT SHALL BE COTERMINOUS WITH THE BOUNDARIES OF THE CITY OF THOMASVILLE.

The General Assembly of North Carolina do enact:

Section 1. The boundary lines of the Thomasville City Administrative School Unit are and shall be coterminous with the boundary lines of the City of Thomasville and, whenever the boundaries of the City of Thomasville are extended, the citizens and property within any territory annexed to the corporate limits of the City of Thomasville shall enjoy the same rights and shall be subject to payment of the same taxes, school or otherwise, as the citizens and property within the corporate limits of the City of Thomasville prior to the annexation of any such territory.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1959.

H. B. 405 **CHAPTER 306**

AN ACT PROVIDING FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF RALEIGH, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the City of Raleigh, Wake County, North Carolina, are hereby extended so that they shall embrace within the corporate limits the following additional territory:

"BEGINNING at a point in existing city limit line, said point being at the intersection of Pigeon House Branch and Crabtree Creek; thence along the existing city limit line as follows: In a generally westerly direction with the center line of Pigeon House Branch to its point of intersection with a line 800 feet long and perpendicular to the eastern boundary line of Louisburg Road; thence in a southwesterly direction along a line parallel to and 800 feet from the eastern boundary line of Louisburg Road to a point in the northern boundary line of the Woodcrest Subdivision as shown on plat entitled 'Woodcrest, Raleigh, North Carolina', dated October, 1955, prepared by Herndon Edgerton, Engineer; thence North 7 degrees 00 minutes West 294.3 feet to a point; thence South 50 degrees 23 minutes West 737.7 feet to a point; thence South 63 degrees 42 minutes West 30 feet to the center line of Fenton Street; thence along the center line of Fenton Street South 23 degrees East 35.3 feet; thence South 58 degrees 30 minutes West 284.6 feet to a point; thence South 56 degrees 03 minutes West 124.2 feet to a point; thence South 33 degrees 39 minutes West 219.2 feet to a point, said point being in the rear property line of lots facing Dennis Avenue on the North side and said point also being the southeast corner of the aforementioned Woodcrest Subdivision; thence in a northwesterly direction along the rear of lot lines of lots on the North side of Dennis Avenue, a distance of approximately 305 feet to its point of intersection with a line 400 feet long and perpendicular to the eastern boundary line of Louisburg Road; thence in a northeasterly direction a distance of 1,510 feet, more or less, along a line 400.0 feet East of and parallel to the eastern right of way line of Louisburg Road to a point; thence in a westerly direction along the northern line of the property of Andrew J. Proescher and wife, Gladys B. Proescher, approximately 425 feet to a point; thence in a southeasterly direction along the eastern right of way line of Louisburg Road to a point in the dividing line between Tracts 5 and 6 of the W. F. Taylor Estate; thence in a northwesterly direction along the dividing line between Tracts 5 and 6 of the W. F. Taylor Property (a distance of 630 feet, more or less) to a point, said point being the northwest corner of the property of Seby B. Jones and wife, Christina R. Jones; thence in a southeasterly direction along the southern line of the Old Louisburg Road, a distance of 925 feet, more or less, to a point; thence in a northwesterly direction to a point on the northwestern side of Seaboard Airline Railroad, said point being located along a line 300 feet West of and perpendicular to the center line of the Seaboard Railroad tracks; thence in a northerly direction along a line 300 feet West of and parallel to the Seaboard Railroad tracks to its intersection with the center line of Crabtree Creek, all

descriptions being along the present city limit line; thence in an easterly and southerly direction along the center line of Crabtree Creek as it meanders to a point in the present city limit line, said point being at the intersection of the center line of Pigeon House Branch, the point of beginning; and being all of the property on both sides of the Old Louisburg Road (U. S. Highway No. 1, North) lying between the northeast city limit line of the City of Raleigh and Crabtree Creek."

Sec. 2. The owners of property within the area described herein shall list and pay ad valorem taxes, both real and personal, to the City of Raleigh for the year beginning January 1, 1960.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective as of January 1, 1960.

In the General Assembly read three times and ratified, this the 16th day of April, 1959.

S. B. 191 CHAPTER 307

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GARNER SO AS TO REGULATE THE COMPENSATION TO BE RECEIVED BY THE MAYOR AND THE BOARD OF ALDERMEN OF THE TOWN OF GARNER.

The General Assembly of North Carolina do enact:

Section 1. Chapter 197 of the Private Laws of 1907 of North Carolina is hereby amended as follows:

(a) By striking out the entire last sentence of Section 20 of said Chapter commencing at line 8 and substituting in lieu thereof the following sentence: "That the mayor shall receive such compensation and fees as may be allowed him by the board of aldermen and as provided for in the general laws not to exceed fifteen dollars ($15.00) for each regular and special meeting of the Board of Aldermen of the Town of Garner."

(b) By inserting at the end of Section 21 of said Chapter a new sentence reading as follows: "That each member of the board of aldermen shall receive such compensation and fees as may be allowed him by the board of aldermen and as provided for in the general laws not exceeding fifteen dollars ($15.00) for each regular and special meeting of the Board of Aldermen of the Town of Garner."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1959.

S. B. 216 **CHAPTER 308**

AN ACT TO AUTHORIZE POLITICAL SUBDIVISIONS OF THE STATE, ACTING JOINTLY, TO APPROPRIATE FUNDS AND ISSUE BONDS FOR DEVELOPING WATER SUPPLY FOR DOMESTIC, MUNICIPAL, INDUSTRIAL AND OTHER PURPOSES.

WHEREAS, Section 301 of the Water Supply Act of 1958, being Title III of the Act of Congress approved July 3, 1958, entitled "An Act Authorizing the Construction, Repair, and Preservation of Certain Public Works on Rivers and Harbors for Navigation, for Flood Control and for Other Purposes", provides as follows:

"(a) It is hereby declared to be the policy of the Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes and that the Federal Government should participate and cooperate with States and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple purpose projects.

"(b) In carrying out the policy set forth in this Section, it is hereby provided that storage may be included in any reservoir project surveyed, planned, constructed or to be planned, surveyed and/or constructed by the Corps of Engineers or the Bureau of Reclamation to impound water for present or anticipated future demand or need for municipal or industrial water, and the reasonable value thereof may be taken into account in estimating the economic value of the entire project: Provided, that before construction or modification of any project including water supply provisions is initiated, State or local interest shall agree to pay for the cost of such provisions on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction as determined by the Secretary of the Army or the Secretary of the Interior as the case may be: Provided further, that not to exceed 30 per centum of the total estimated cost of any project may be allocated to anticipated future demands where States or local interests give reasonable assurances that they will contract for the use of storage for anticipated future demands within a period of time which will permit paying out the costs allocated to water supply within the life of the project: And provided further, that the entire amount of the construction costs, including interest during construction, allocated to water supply shall be repaid within the life of the project but in no event to exceed fifty years after the project is first used for the storage of water for water supply purposes, except that (1) no payment need be made with respect to storage for future water supply until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by

the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue. The provisions of this subsection insofar as they relate to the Bureau of Reclamation and the Secretary of the Interior shall be alternative to and not a substitute for the provisions of the Reclamation Projects Act of 1939 (53 Statutes 1187) relating to the same subject." Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The General Assembly hereby concurs in the declared policy of Congress as set forth in Section 301 (a) of the Act of Congress approved July 3, 1958, and cited as the "Water Supply Act of 1958" insofar as said Section relates to the responsibilities of local interests in developing water supply for domestic, municipal, industrial and other purposes and hereby authorizes and empowers local units to contract debts, as hereinafter provided, for the purpose of providing for the storage of water for present or anticipated future demand or need for municipal or industrial water in order to conform with the provisions of said Water Supply Act of 1958. The term "local units" as used herein means counties and/or municipalities.

Sec. 2. Any two or more local units, each situated in whole or in part in the basin of the same river upon which the Congress of the United States has appropriated funds for the construction of a project referred to in said Water Supply Act of 1958, may issue their bonds for the purpose stated in Section 1 hereof in such amounts as constitute their proportionate parts, respectively, of not exceeding 30 per centum of the estimated cost of such project. The governing bodies of said local units shall meet together and shall jointly determine and agree upon the proportionate part of such percentage of estimated cost which each local unit is to bear, taking into consideration the taxable resources of each local unit and such other economic and beneficial factors as such boards deem pertinent and advisable, and such determination shall be recorded in the minutes of each such body. Within four months following such determination each local unit shall proceed with authorization of its bonds in the amount not exceeding its proportionate part.

Sec. 3. Such bonds of counties shall be issued pursuant to the County Finance Act, as amended: Provided, the amount thereof shall constitute an item to be included in the sum in item (h) of Section 153-84 of said Act in arriving at the net debt for other than school purposes in item (i) of said Section: Provided, further, the provisions of Section 153-80, 153-82 and 153-103 of said Act shall not apply to such bonds. Such bonds shall mature at such time or times, not exceeding 50 years from their date, and may be subject to redemption with or without premium as the governing body may by resolution determine, with the approval of the Local Government Commission.

Sec. 4. Such bonds of municipalities shall be issued pursuant to the Municipal Finance Act, 1921, as amended, and the amount thereof shall constitute a reduction from the gross debt under subsection (b) of Section

160-383 of said Act: Provided, the provisions of Section 160-382 and 160-391 shall not apply to such bonds and such bonds may not be consolidated with bonds authorized by another ordinance as provided in Section 160-380 of said Act. Such bonds shall mature at such time or times, not exceeding 50 years from their date, and may be subject to redemption with or without premium as the governing body may determine, with the approval of the Local Government Commission.

Sec. 5. Notwithstanding the provisions of Sections 159-13, 159-14, 159-15, 159-21 and 159-22 of the General Statutes, being parts of the Local Government Act, as amended, the bonds of local units shall be delivered, without advertisement and award pursuant thereto, by the State Treasurer to the appropriate agency or department of the Federal Government in full satisfaction and payment of the proportionate part of the percentage of estimated cost to the local units, respectively, as determined in Section 2 of this Act.

Sec. 6. If the bonds of one or more local units which have agreed upon their proportionate part of percentage of estimated cost as provided in Section 2 hereof are required by the laws or Constitution to be submitted to the voters of such local unit at an election and a majority of said voters voting in said election vote against the issuance of such bonds the bonds of any other local unit which have been duly authorized may be issued in whole or in part only when a sufficient number of local units has agreed upon their proportionate part as provided in Section 2 and have duly authorized their bonds so that the full amount of such percentage of estimated cost may be paid.

Sec. 7. Nothing herein contained shall be construed to permit the diversion of water from one watershed to another.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1959.

H. B. 189 CHAPTER 309

AN ACT TO ENABLE FLUE-CURED TOBACCO FARMERS IN NORTH CAROLINA TO IMPOSE UPON THEMSELVES BY THEIR REFERENDUM VOTE AN ASSESSMENT TO PROVIDE FUNDS TO PROMOTE THROUGH ORGANIZED EFFORT THE SALE AND USE OF FLUE-CURED TOBACCO IN EXPORT AND DOMESTIC MARKETS.

WHEREAS, flue-cured tobacco represents in value more than fifty per cent (50%) of the total income of the farmers of North Carolina; and

WHEREAS, there is produced by the farmers of North Carolina approximately sixty-seven per cent (67%) of all flue-cured tobacco raised in the United States; and

WHEREAS, approximately forty per cent (40%) of flue-cured tobacco in the United States is normally sold in export trade, the total production being far beyond domestic requirements; and

WHEREAS, it is of greatest importance that the export trade for flue-cured tobacco be maintained at such level as to insure a steady market at a fair price for the surplus of said crop over and above the normal domestic requirements; and

WHEREAS, the failure to maintain a sound and growing export market for flue-cured tobacco would disastrously affect the economy and the general standard of living of the farmers of North Carolina engaged in the production of this agricultural commodity; and

WHEREAS, there is also an ever existing need to bring to the attention of people everywhere the benefits occurring from the enjoyment and relaxation attendant upon the smoking of tobacco and there is a frequently occurring need to protect the use of tobacco from threatened diminution because of misinformation and propaganda concerning the effects of tobacco smoking and there is a constant need to guard against unfair and ever increasing tax burdens on tobacco and its sale; and

WHEREAS, largely under the sponsorship of farm organizations in North Carolina there has been incorporated under the laws of the State of North Carolina a nonstock, nonprofit corporation, known, designated and chartered as Tobacco Associates, Incorporated, which is dedicated to the promoting, developing, and expanding export trade for flue-cured tobacco and encouraging the use of tobacco everywhere; and

WHEREAS, the operations of said highly important agency have been financed from year to year by donations by parties interested in the promotion of tobacco sales and use and by farmers of North Carolina through a per acre assessment voted upon themselves in North Carolina by a referendum procedure pursuant to the terms of Chapter 511, Session Laws of 1947, and Chapter 63, Session Laws of 1951; and

WHEREAS, in order to assure the permanence of such program for development markets for flue-cured tobacco it is desirable and necessary that the farmers in North Carolina who produce flue-cured tobacco shall be permitted to continue to vote an assessment under which all tobacco growing farmers in the State will participate on a proportional and equitable basis; and

WHEREAS, under the provisions of Chapter 511, Session Laws of 1947, and Chapter 63, Session Laws of 1951, the farmers of North Carolina voted in 1947, in 1949, in 1952, in 1955, and in 1958, to impose upon themselves an assessment in the amount of ten cents (10¢) per acre, the maximum amount then permitted by those Statutes, and whereas each said issue was carried by a vote of more than ninety per cent (90%) of the eligible farmers participating therein; and

WHEREAS, the 1958 vote, having been carried by a vote of more than ninety and eight-tenths per cent (90.8%) of the eligible farmers participating in the referendum, authorized an assessment of ten cents (10¢) per acre for the years 1959, 1960 and 1961; and

WHEREAS, since the authorization of a ten cents (10¢) per acre assessment in 1947, the allotted acreage of flue-cured tobacco in North Carolina has been reduced approximately thirty per cent (30%) and the yield per acre in pounds has been increased approximately fifty per cent (50%) and the yield per acre in dollars has been increased approximately one hundred per cent (100%); and

WHEREAS, there has arisen a need for greater activities on the part of the tobacco farmers, through their cooperation, Tobacco Associates, and greater expenditures for the protection of the flue-cured tobacco export trade and the use of flue-cured tobacco everywhere; and

WHEREAS, in the 1958 referendum which authorized a ten cents (10¢) per acre assessment under the then existing Statutes, there was submitted to all of the flue-cured tobacco growers in North Carolina the additional question whether the North Carolina producers of tobacco would approve and would request and seek legislation authorizing an assessment of not more than one dollar ($1.00) per acre (the amount to be determined from year to year by the Board of Directors of Tobacco Associates, Incorporated) and to be effective and immediately applicable to the years 1959, 1960 and 1961 and the said proposal having been approved by a vote of more than eighty-three and five-tenths per cent (83.5%) of eligible North Carolina flue-cured tobacco growers participating in said vote; and

WHEREAS, the results to be achieved by this proposed Statute are in the public interest: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. It is hereby declared to be in the public interest that the farmers of North Carolina who produce flue-cured tobacco be permitted and encouraged to act jointly in promoting and stimulating, by organized methods and through the medium established for such purpose, export trade for flue-cured tobacco and the use of tobacco everywhere.

Sec. 2. That for the purpose of raising reasonable and necessary funds for producer participation in the operations of the agency set up under farmer sponsorship for the promotion of export trade in flue-cured tobacco and the use of tobacco everywhere, it is proper, desirable, necessary and in the public interest that the farmers in this State engaged in the production of flue-cured tobacco shall have the opportunity and privilege of participating in a referendum to be held as hereinafter provided, in which referendum there shall be determined the question of whether or not the farmers of the State engaged in the production of flue-cured tobacco shall levy upon themselves an annual assessment for the purposes herein stated.

Sec. 3. That during the year 1961 and upon the exact date in such year as may be determined in the manner hereinafter set forth and under rules and regulations as established under the provisions of this Act, there shall be held in every county in North Carolina in which flue-cured tobacco is produced a referendum to be participated in by all farmers engaged in the production of flue-cured tobacco, including owners of farms on which such tobacco is produced, tenants and sharecroppers, in

which referendum said individuals so eligible for participation shall vote upon the question of whether or not there shall be levied an annual assessment for a period of three years (1962, 1963 and 1964), such amount as may have been theretofore or as may be thereafter determined by the Board of Directors of Tobacco Associates, Incorporated, but not more than one dollar ($1.00) per acre per year on all flue-cured tobacco acreage in the State of North Carolina.

Sec. 4. That if in such referendum more than one-third of the tobacco farmers eligible to participate therein and voting therein shall vote in the negative and against the levying or collection of such assessment, then no assessment shall be levied or collected pursuant to that referendum.

Sec. 5. That if in such referendum two-thirds or more of the eligible tobacco farmers voting therein shall vote in the affirmative and in favor of the levying or collection of such assessment to be determined by the Board of Directors of Tobacco Associates, Incorporated, but in an amount of not more than one dollar ($1.00) per acre per year on all flue-cured tobacco acreage in the State of North Carolina, then such assessment shall be collected in the manner hereinafter provided.

Sec. 6. That the exact date in the said year 1961, on which such referendum shall be held and the hours, voting places, and rules and regulations under which such referendum shall be conducted, shall be established and determined by the Board of Directors of the North Carolina corporation known and designated as Tobacco Associates, Incorporated, established under the leadership of farm organizations in the State of North Carolina for the purpose of stimulating, developing and expanding export trade for flue-cured tobacco and the use of tobacco everywhere; that the said referendum date, hours, voting places, rules and regulations with respect to the holding of such referendum shall be published through the medium of the public press in the State of North Carolina by said Board of Directors at least thirty days before the holding of such referendum, and that direct written notice thereof shall likewise be given to all farm organizations within the State of North Carolina and to each county agent in any county in which flue-cured tobacco is grown.

Sec. 7. That the said Board of Directors of Tobacco Associates, Incorporated, shall likewise prepare and distribute in advance of said referendum all necessary ballots for the purpose thereof, and shall under the rules and regulations promulgated by said Board arrange for the necessary poll holders for conducting the said referendum; and that following such referendum and within ten days thereafter the said Board of Directors shall canvass and publicly declare the results of such referendum.

Sec. 8. That said referendum shall be upon the question of whether or not the farmers eligible for participation therein and voting therein shall favor an assessment for the period of three years, 1962, 1963 and 1964, in an amount in each of said years as determined by or to be determined by the Board of Directors of Tobacco Associates, Incorporated but not more than one dollar ($1.00) per acre per year on all flue-cured tobacco acreage in the State of North Carolina, for the purpose of providing farmer participation in the fund and through the agency established

for the stimulation, expansion and development of export markets for flue-cured tobacco and the encouragement of the use of flue-cured tobacco everywhere.

Sec. 9. That in the event two-thirds or more of the eligible farmers voting therein shall vote in favor of such assessment, then the said assessment shall be collected annually for the years herein set forth and under such method, rules and regulations as may be determined by the Board of Directors of the said Tobacco Associates, Incorporated, and the said assessment so collected shall be paid into the Treasurer of said Tobacco Associates, Incorporated, to be used along with funds from other sources, for the purpose of stimulating, developing and expanding export trade for flue-cured tobacco and encouraging the use of flue-cured tobacco everywhere.

Sec. 10. That no assessment shall be made pursuant to this Act unless same shall receive the affirmative vote of not less than two-thirds of the members of the Board of Directors of Tobacco Associates, Incorporated, including the affirmative vote of not less than two-thirds of such Board members who were elected by North Carolina farm organizations.

Sec. 11. That in the event any referendum authorized by this Act is carried in the affirmative by such two-thirds vote and the assessment is levied and collected as herein provided and under the regulations to be promulgated by the Board of Directors of Tobacco Associates, Incorporated, any farmer or tobacco producer upon whom and against whom any such annual assessment shall have been levied and collected under the provisions of this Act, if dissatisfied with the said assessment, shall have the right to demand of and receive from the Treasurer of said Tobacco Associates, Incorporated, a refund of such annual assessment so collected from such farmer or producer of tobacco, provided such demand for refund is made in writing within thirty days from the date on which said assessment is collected from such farmer or producer or deducted from the proceeds of the sale of tobacco of such farmer or producer.

Sec. 12. That in the event any referendum conducted as provided for in this Act shall not be supported by two-thirds or more of those voting therein, then the Board of Directors of Tobacco Associates, Incorporated shall have full power and authority to call another referendum for the purposes herein set forth in any succeeding year, on the question of an annual assessment for the next three years or less. If the referendum is carried as provided in this Act, then the assessments may be levied and collected as provided in this Act.

Sec. 13. That in the event any referendum, held at any time under the provisions of this Act, is carried by the vote of two-thirds or more of the eligible farmers participating therein and assessments in pursuance thereof are being levied annually, then the Board of Directors of Tobacco Associates, Incorporated shall, in its discretion, have full power and authority to call and conduct during the last year of such period another referendum in which the farmers and producers of flue-cured tobacco shall vote upon the question of whether or not assessments under this Act shall be continued for the next ensuing three years. If the referendum is carried as provided in this Act, then assessments may be levied and collected as provided in this Act.

Sec. 14. That the Treasurer of Tobacco Associates, Incorporated shall, within thirty days after the end of any fiscal year, file with the State Auditor a financial statement as of the end of the fiscal year and a detailed statement of operations for the year ended. Further a condensed statement of the financial condition and operating expenses for said fiscal year shall be published in a newspaper of general circulation, if one exists, in each county from which assessments are collected.

Sec. 15. The Board of Directors of Tobacco Associates, Incorporated, by a vote (as provided in Section 10 above) is hereby authorized to levy an assessment for the years 1959, 1960 and 1961 on all the flue-cured tobacco acreage in the State of North Carolina in an amount for each said year, as may be determined by said Board, up to but not in excess of one dollar ($1.00) per acre per year in accordance with and pursuant to a referendum and vote of North Carolina flue-cured tobacco growers held in December, 1958; said assessment to be levied and collected just as though said referendum had been held after the adoption of this Act, provided that all of the requirements of this Act as to the determination of the amount of the assessment and the collection of the assessment are complied with and provided further that all conditions of this Act as to refund upon demand shall be applicable: Provided further that such assessments for the years 1959, 1960 and 1961 shall be in lieu of the amount of ten cents (10¢) per acre, authorized under the provisions of Chapter 511 of the Session Laws of 1947.

Sec. 16. Insofar as the provisions of this Act are different from and in conflict with the provisions of Chapter 511, Session Laws of 1947 and Chapter 63, Session Laws of 1951, to the extent of such conflict the provisions of this Act shall be applicable and shall supersede and prevail over the provisions of said former Acts and all provisions of this Act shall be in full effect. So long as assessments are made under this Act, no assessment shall be made and collected under the provisions of Chapter 511, Session Laws of 1947, as amended.

Sec. 17. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 18. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1959.

H. B. 303 CHAPTER 310

AN ACT TO AMEND CHAPTER 674 OF THE SESSION LAWS OF 1955 RELATING TO THE SALE OF EXPLOSIVE CAPS DESIGNED TO BE FIRED IN TOY CAP PISTOLS.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 674 of the Session Laws of 1955 is hereby amended by striking from line two of said Section the word "Randolph" immediately preceding the word "Iredell" and immediately following the word "Hoke".

Sec. 2. This Act shall apply to Randolph County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1959.

H. B. 349 CHAPTER 311

AN ACT TO AMEND G. S. 106-567 RELATING TO THE REFUND OF ASSESSMENTS COLLECTED FROM FARMERS FOR THE PURPOSE OF PROMOTING THE USE AND SALE OF AGRICULTURAL PRODUCTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-567 is hereby amended by adding at the end thereof the following:

"Provided, however, that as to growers or producers of potatoes or peaches the right of refund of assessments as provided herein shall be contingent upon such growers or producers having paid said assessment on or before the end of the assessment year in which the assessment was levied. The assessment year shall be determined by the duly certified commission, council, board or agency representing the respective commodity: Provided further, that any farmer or producer of potatoes or peaches who fails to make any protest against the assessment and levy in writing, addressed to the duly certified commission, council, board or agency representing the commodity concerned, within 30 days from the date such assessment shall become due and payable, then, and in such event, suit may be brought by the duly certified commission, council, board or agency concerned in a court of competent jurisdiction to enforce the collection of the assessment."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1959.

H. B. 487 CHAPTER 312

AN ACT TO AMEND G. S. 47-17.1 RELATING TO THE FILING OF PAPERS BY THE CLERKS OF THE SUPERIOR COURTS OF CERTAIN COUNTIES TO INCLUDE ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-17.1, as the same appears in the 1957 Cumulative Supplement to the General Statutes is hereby amended by adding in the second sentence thereof between the words "Mecklenburg" and "Perquimans" the word "Orange".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of April, 1959.

S. B. 184 CHAPTER 313

AN ACT AUTHORIZING THE TOWN OF BESSEMER CITY TO EMPLOY A CITY MANAGER.

The General Assembly of North Carolina do enact:

Section 1. The Board of Town Commissioners of the Town of Bessemer City, in its discretion, is authorized and empowered to appoint a city manager who shall hold office at the will and pleasure of the board of town commissioners and he shall receive such compensation as it shall fix. He shall be the administrative head of the city government and responsible for the administration of all departments of the city government. He shall be appointed with regard to merit only and he need not be a resident of the Town of Bessemer City when appointed.

Sec. 2. The city manager shall:

(1) Be the administrative head of the city government;

(2) See that within the Town of Bessemer City the laws of the State, and the ordinances, resolutions, and regulations of the board of town commissioners are faithfully executed;

(3) Attend all meetings of the board of town commissioners and recommend for adoption such measures as he may deem expedient;

(4) Make reports to the board of town commissioners from time to time upon the affairs of the town and keep the board of town commissioners fully advised of the town's financial condition and its future financial needs;

(5) Appoint and remove all employees of the town, not including, however, the city attorney, the city clerk, the judge of the recorder's court, and the prosecuting attorney of said court, but said officers and employees shall continue to be appointed by the board of town commissioners;

(6) Report to the board of town commissioners each appointment or removal of an officer or employee, each such report to be made at the next meeting thereof following any such appointment or removal.

Sec. 3. The salaries and compensation of the officers and employees of the town shall be fixed by the board of town commissioners and they shall perform such duties as may be required of them by the city manager under general regulations of the board of town commissioners and the general law.

Sec. 4. The mayor and board of town commissioners shall continue to have all the power and authority conferred by the town charter and all amendments thereto and the general law not inconsistent or in conflict with the provisions of this Act.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 396 CHAPTER 314

AN ACT TO PROVIDE, IN THE EVENT OF ENEMY ATTACK UPON THE STATE OF NORTH CAROLINA, FOR THE CONTINUITY OF THE ORDERLY FUNCTIONS OF THE GOVERNMENTS OF LOCAL POLITICAL SUBDIVISIONS OF THE STATE; BY PROVIDING FOR EMERGENCY INTERIM SUCCESSION TO EXECUTIVE OFFICES AND BY AUTHORIZING POLITICAL SUBDIVISIONS TO ENACT RESOLUTIONS AND ORDINANCES RELATING TO SUCCESSION FOR ALL OFFICIALS HAVING EMERGENCY GOVERNMENT FUNCTIONS.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act shall be known and may be cited as the North Carolina "Emergency Interim Local Government Executive Succession Act of 1959."

Sec. 2. Policy and Purpose. Because of the existing possibility of attack upon the State of North Carolina of unprecedented size and destructiveness, and in order, in the event of such an attack, to assure continuity of local government through legally constituted leadership, authority and responsibility in offices of political subdivisions of the State of North Carolina; to provide for the effective operation of local governments during an emergency; and to facilitate the early resumption of functions temporarily suspended, it is found and declared to be necessary to provide for emergency interim succession to governmental offices of political subdivisions in the event the incumbents thereof and their deputies, assistants or other subordinate officers authorized, pursuant to law, to exercise all of the powers and discharge the duties of such offices (hereinafter referred to as deputies) are unavailable to perform the duties and functions of such offices.

Sec. 3. Definitions. Unless otherwise clearly required by the context, as used in this Act:

(a) "Unavailable" means either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and his duly authorized deputy are absent or unable to exercise the powers and discharge the duties of the office.

(b) "Emergency Interim Successor" means a person designated pursuant to this Act, in the event the officer is unavailable, to exercise the powers and discharge the duties of an office until a successor is appointed

or elected and qualified as may be provided by the statutes, charters and ordinances or until the lawful incumbent is able to resume the exercise of the powers and discharge the duties of the office.

(c) "Office" includes all local offices, the powers and duties of which are defined by statutes, charters and ordinances.

(d) "Attack" means any attack or series of attacks by an enemy of the United States upon the State of North Carolina causing, or which may cause, substantial damage or injury to civilian property or persons in the State in any manner by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes.

(e) "Political Subdivision" includes counties, cities, towns, townships, districts, authorities and other municipal corporations and entities whether organized and existing under charter or general law.

Sec. 4. Enabling Authority for Emergency Interim Successors for Local Offices. With respect to local offices for which the governing bodies of cities, towns, townships, and counties may enact resolutions or ordinances relative to the manner in which vacancies will be filled or temporary appointments to office made, such governing bodies are hereby authorized to enact resolutions or ordinances providing for emergency interim successors to offices of the aforementioned governmental units. Such resolutions and ordinances shall not be inconsistent with the provisions of this Act.

Sec. 5. Emergency Interim Successors for Local Officers. The provisions of this Section shall be applicable to officers of political subdivisions (including, but not limited to counties, cities, towns and townships as well as school, fire, drainage and other municipal corporate districts) not included in Section 4. Such governing bodies, pursuant to such regulations as they may adopt, shall upon approval of this Act, designate by title (if feasible) or by named person, emergency interim successors and specify their order of succession. The local governing body shall review and revise, as necessary, designations made pursuant to this Act to insure their current status. The governing body will designate a sufficient number of persons so that there will be not less than three, nor more than seven, deputies or emergency interim successors or combination thereof at any time. In the event that any officer of any political subdivision (or his deputy provided for pursuant to law) is unavailable, the powers of the office shall be exercised and duties shall be discharged by his designated emergency interim successors in the order specified. The emergency interim successor shall exercise the powers and discharge the duties of the office to which designated until such time as a vacancy which may exist shall be filled in accordance with the Constitution or statutes; or until the officer (or his deputy or a preceding emergency interim successor) again becomes available to exercise the powers and discharge the duties of his office.

Sec. 6. Formalities of Taking Office. At the time of their assumption of office, emergency interim successors shall take such oath as may be required for them to exercise the powers and discharge the duties of the

office to which they may succeed. Notwithstanding any other provision of law, no person, as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he succeeds, shall be required to comply with any other provision of law relative to taking office.

Sec. 7. Period in Which Authority May be Exercised. Emergency interim successors, authorized to act pursuant to this Act, are empowered to exercise the powers and discharge the duties of an office as herein authorized only after an attack upon the State of North Carolina, as defined herein, has occurred. The local governing body, by a duly adopted resolution, may at any time terminate the authority of said emergency interim successors to exercise the powers and discharge the duties of office as herein provided.

Sec. 8. Removal of Designees. Until such time as the persons designated as emergency interim successors are authorized to exercise the powers and discharge the duties of an office in accordance with this Act, including Section 7 hereof, said persons shall serve in their designated capacities at the pleasure of the designating authority and may be removed or replaced by said designating authority at any time, with or without cause.

Sec. 9. Disputes. Any dispute concerning a question of fact arising under this Act with respect to an office in any political subdivision shall be adjudicated by the local governing body and their decision shall be final.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 457 CHAPTER 315

AN ACT AMENDING CHAPTER 11, SESSION LAWS OF 1953, RELATING TO THE POWERS AND DUTIES OF COUNTY BOARDS OF ALCOHOLIC CONTROL SO AS TO INCLUDE CUMBERLAND COUNTY WITHIN THE PROVISIONS OF SAID ACT.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 11, Session Laws of 1953, be and the same is hereby amended by striking out the period at the end thereof, substituting a comma therefor, and adding the words "and Cumberland County".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 459 CHAPTER 316

AN ACT TO VALIDATE THE ADMINISTRATION OF OATHS OF OFFICE TO CERTAIN MEMBERS OF THE GOVERNING BODY OF THE TOWN OF HUNTERSVILLE IN MECKLENBURG COUNTY.

WHEREAS, Section 6 of Chapter 46 of the Private Laws of 1885 requires that the Mayor and Town Commissioners of the Town of Huntersville in Mecklenburg County take an oath of office before a justice of the peace; and

WHEREAS, the mayor has on certain occasions heretofore administered such oaths of office in lieu of a justice of the peace: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The action of the Mayor of the Town of Huntersville of heretofore administering the oath of office to any member of the Board of Commissioners of Huntersville is hereby validated as to each member with respect to whom such oath was administered and shall have the same force and effect as if such oath had originally been administered by a justice of the peace.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 483 CHAPTER 317

AN ACT TO AUTHORIZE THE TOWN OF FARMVILLE TO WARRANT TITLE TO CERTAIN LANDS AT PUBLIC SALE.

The General Assembly of North Carolina do enact:

Section 1. The Town of Farmville, in the discretion of its governing body, is authorized and empowered to warrant the title at public sale to all or any part of that parcel of land containing three acres known as the dump site of the town and also that tract of land containing approximately seven acres adjoining the dump site in an amount not to exceed the purchase price to be paid therefor.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 548 **CHAPTER 318**

AN ACT VALIDATING AND CONFIRMING ALL ACTIONS OR PROCEEDINGS TAKEN BY ANY CITY OR TOWN IN THE PASSAGE OF AN ORDINANCE AUTHORIZING BONDS AND IN PROVIDING FOR THE SUBMISSION OF THE ISSUANCE THEREOF TO THE VOTERS ON THE DATE OF THE 1959 MUNICIPAL ELECTION AND THE HOLDING OF SUCH BOND ELECTION, NOTWITHSTANDING THE FAILURE OF ANY SUCH CITY OR TOWN TO COMPLY WITH THE PROVISIONS OF SECTION 159-7 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. All actions or proceedings taken by any city or town in the passage of an ordinance authorizing bonds of such city or town and in providing for the submission of such ordinance to the voters at an election to be held on the same date as the regular 1959 municipal election in such city or town and the holding of any such bond election are hereby in all respects legalized, ratified, approved, validated and confirmed, notwithstanding that the application of such city or town for approval of the proposed bonds shall have been filed with the Local Government Commission less than forty days prior to such election as required by Section 159-7 of the General Statutes of North Carolina, and such bond election shall not be rendered invalid by any such failure to comply with the requirements of said Section 159-7, provided such application shall have been filed not later than thirty days (Sundays and holidays included) prior to such election.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 588 **CHAPTER 319**

AN ACT RELATING TO THE APPOINTMENT OF AN ASSISTANT SOLICITOR OR ASSISTANT SOLICITORS IN THE SUPERIOR COURT OF GUILFORD COUNTY BY THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Guilford County upon recommendation and nomination of the Superior Court Solicitor of the solicitorial district in which said county is located is hereby authorized and empowered in its discretion to appoint a competent attorney or attorneys of the county to assist the said solicitor in the prosecution of the criminal docket of the Superior Court of said county. Such person or persons shall be appointed and designated as assistant solicitor or assistant solicitors.

Sec. 2. Appointments made under the foregoing Section of this Act shall expire December 31, 1959; thereafter, such appointments shall be for a term of one year, commencing January 1st and expiring December 31st.

Sec. 3. In addition to the foregoing authority, the Board of County Commissioners of Guilford County is further authorized and empowered in its discretion upon the recommendation and nomination of the Superior Court Solicitor of the solicitorial district in which said county is located to appoint a competent attorney or attorneys of the county as temporary assistant or assistants to said solicitor for a definite term of office less than one year as determined by said board for the purpose of temporarily assisting said solicitor in the prosecution of the criminal docket of the Superior Court of said county. Such person or persons when so appointed shall be designated as assistant solicitor or assistant solicitors for the term of appointment.

Sec. 4. At the end of any term of the position or office of any assistant solicitor appointed for one year, the Board of County Commissioners of Guilford County may, in its discretion, leave such office vacant for the ensuing term or any portion thereof; but this provision shall not prevent the board of county commissioners from appointing an assistant solicitor or assistant solicitors upon recommendation and nomination of the solicitor at any time when such office becomes vacant before the expiration of the term of office.

Sec. 5. The salaries of assistant solicitors or persons appointed as temporary assistants to the solicitor shall be fixed from term to term by the Board of County Commissioners of Guilford County and shall be in such amount as the said board shall determine proper, just, and reasonable, in its discretion, and said salaries shall be paid in monthly installments from the general fund of the county.

Sec. 6. The Superior Court Solicitor of the solicitorial district in which Guilford County is located shall designate and define the duties of all assistant solicitors appointed under this Act and is authorized and empowered to remove such assistant solicitors from office at any time upon written notice of such removal to the person holding such office and the chairman of the board of county commissioners at least 30 days prior to the effective date of said removal.

Sec. 7. Chapter 161 of the Session Laws of 1943 is hereby expressly repealed: Provided, that any assistant solicitor appointed under the authority of said Act shall continue in office for the remainder of the term for which he was appointed.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

S. B. 90 CHAPTER 320

AN ACT TO AMEND SECTION 108-12 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE COMPENSATION OF MEMBERS OF COUNTY WELFARE BOARDS.

The General Assembly of North Carolina do enact:

Section 1. Section 108-12 of the General Statutes of North Carolina is hereby amended by striking out the words and figures "five dollars ($5.00)" appearing in line 9 thereof and inserting in lieu thereof the words and figures "ten dollars ($10.00)".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the first day of July, 1959.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

S. B. 156 CHAPTER 321

AN ACT TO REPEAL AN ACT PASSED BY THE GENERAL ASSEMBLY OF 1959, ORIGINALLY DESIGNATED AS "S. B. 36", AND RATIFIED ON MARCH 6, 1959, AND TO REWRITE SUBSECTION (2) OF G. S. 157-3, PERTAINING TO THE HOUSING AUTHORITIES LAW AS APPLICABLE IN CHEROKEE, CLAY, GRAHAM, MACON AND SWAIN COUNTIES AND CITIES AND TOWNS THEREIN.

The General Assembly of North Carolina do enact:

Section 1. That a certain Act passed by the General Assembly of 1959, ratified on March 6, 1959, and entitled: "A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 157 OF THE GENERAL STATUTES, KNOWN AS 'THE HOUSING AUTHORITIES LAW', BY PROVIDING THAT SAID CHAPTER 157 OF THE GENERAL STATUTES, KNOWN AS 'THE HOUSING AUTHORITIES LAW', SHALL APPLY TO ALL CITIES AND TOWNS IN CHEROKEE, CLAY, GRAHAM, MACON AND SWAIN COUNTIES HAVING A POPULATION OF FIVE HUNDRED OF MORE INHABITANTS", be, and the same is hereby, repealed.

Sec. 2. That subsection (2) of G. S. 157-3 of the General Statutes be, and the same is hereby, amended, by striking out all of said subsection (2) and inserting in lieu thereof the following:

"(2) 'City' shall mean any city or town having a population of more than 5,000 inhabitants (according to the last Federal census or any revision or amendment thereto); provided, however, that in the Counties of Cherokee, Clay, Graham, Macon, and Swain, 'city' shall mean any city or town having a population of more than 500 inhabitants (according to the last Federal census or any revision or amendment thereto)."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

S. B. 175 CHAPTER 322

AN ACT TO AUTHORIZE THE RECONVEYANCE OF A TRACT OF STATE-OWNED PROPERTY AT HOLDEN'S BEACH IN BRUNSWICK COUNTY.

WHEREAS, by an agreement of conveyance executed on August 31, 1933, Rhoda Holden McMillan, S. E. Holden and R. H. Holden, conveyed for no monetary consideration to the State Highway and Public Works Commission, an agency of the State of North Carolina, a certain tract located at Holden's Beach in Brunswick County and containing approximately 14.59 acres, which tract had been allotted to said parties in a division of the estate of John Holden; and

WHEREAS, the said tract was conveyed to the State for the purpose as set forth in said agreement of development as a public park; and

WHEREAS, said tract has not been developed as a public park and has not been so used; and

WHEREAS, the State Highway Commission has no plans for the development or use of said property as a public park and has reported as provided by law to the Department of Administration that said tract is surplus land to its uses: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Governor is authorized in his discretion, with the approval of the Council of State, to reconvey to Rhoda Holden McMillan, S. E. Holden and R. H. Holden, for a nominal consideration and subject to such terms and conditions as he may deem wise, that tract of approximately 14.59 acres, located at Holden's Beach, Brunswick County, which was conveyed to the State Highway and Public Works Commission by agreement dated August 31, 1933, and which is of record in Book 59 at page 34 in the Brunswick County Registry.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

S. B. 185 CHAPTER 323

AN ACT TO ESTABLISH THE NORTH CAROLINA CONFEDERATE CENTENNIAL COMMISSION.

WHEREAS, we are approaching the centennial of the war that marked the greatest hardships and sacrifices ever made by the people of North Carolina; and

WHEREAS, the State of North Carolina contributed more men to the Southern Cause and suffered heavier losses than did any other state; and

WHEREAS, a National Commission has been established to plan for and coordinate appropriate programs in connection with the approaching centennial of the many important events of this war, and the Congress of the United States has appropriated one hundred thousand dollars ($100,000.00) annually, and many States of the Union, including the neighboring States of Virginia and South Carolina, have established agencies to commemorate this centennial and have made appropriations for this purpose; and

WHEREAS, appropriate centennial programs commemorating North Carolina's role in this war will enable our citizens to pay fitting tribute to the brave men and women of a tragic era in the history of our great State: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That it is fitting and proper that the State of North Carolina and its people participate fully in the proposed centennial programs.

Sec. 2. A North Carolina Confederate Centennial Commission is hereby established to plan and conduct the centennial commemoration programs. The aforesaid commission shall consist ex officio of the Superintendent of Public Instruction, the Director of the Department of Conservation and Development, the Director of the Department of Archives and History, and twenty-five members to be appointed by the Governor, each for a two-year term.

Sec. 3. The members of the aforesaid commission shall serve without pay, but shall be allowed, in attending to their official duties, the travel and subsistence allowances provided by law for State boards and commissions generally.

Sec. 4. It shall be the duty and responsibility of the commission to cooperate insofar as practicable with agencies of the United States Government, with the agencies of other state governments, with unofficial organizations, and with individuals in the planning and conduct of its program.

Sec. 5. In order to meet the expenses of the members of the commission in attending to their official duties, in employing necessary personnel, and in meeting other necessary expenses incident to its duties, allotments may be made to the commission from the Contingency and Emergency Fund at such times and in such amounts as may be approved by the Governor and Council of State.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

S. B. 198 CHAPTER 324

AN ACT AMENDING G. S. 115-126 SO AS TO EMPOWER COUNTY AND CITY BOARDS OF EDUCATION TO DEDICATE PORTIONS OF LAND OWNED BY SUCH BOARDS AS RIGHTS-OF-WAY FOR PUBLIC STREETS, ROADS OR SIDEWALKS.

The General Assembly of North Carolina do enact:

Section 1. That Section 115-126, as the same appears in the 1957 Cumulative Supplement to Volume 3A of the General Statutes, be and the same is hereby amended by adding at the end thereof a new paragraph to be numbered 6. and reading as follows:

"6. In addition to the foregoing, county and city boards of education are hereby authorized and empowered, in their sound discretion, to dedicate portions of any lands owned by such boards as rights-of-way for public streets, roads or sidewalks, with or without compensation except the benefits accruing by virtue of the location or improvement of such public streets, roads or sidewalks."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 274 CHAPTER 325

AN ACT TO CHANGE THE FEE OF THE SHERIFF OF SURRY COUNTY FOR COLLECTIONS ON EXECUTIONS.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 257 of the Public-Local Laws of 1923, entitled "An Act to regulate the fees of the Sheriff of Surry County" is hereby amended by striking out in the second line of the twelfth unnumbered paragraph thereof the words "one hundred dollars" and substituting therefor the words "five hundred dollars".

Sec. 2. G. S. 162-7, entitled "Local modification as to fees of sheriffs.", is hereby amended by inserting therein following the unnumbered paragraph relating to Robeson County and preceding the unnumbered paragraph relating to Wayne County, a new paragraph relating to Surry County, to read as follows:

"Surry. The Sheriff of Surry County shall collect as his fee, a commission on collection of executions as follows:

5% on first $500.00;

2½% on all amounts collected over $500.00; and the like commission on all moneys which may be paid to the plaintiff by the defendant while the execution is in the hands of the sheriff."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 322 CHAPTER 326

AN ACT TO AMEND ARTICLE 16 OF CHAPTER 116 OF THE GENERAL STATUTES ENTITLED "STATE BOARD OF HIGHER EDUCATION".

The General Assembly of North Carolina do enact:

Section 1. G. S. 116-154, as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting following the word "to" and preceding the word "promote", in line 4 thereof, the words "plan and"; by striking out the words "and operation" in line 4 thereof; and by adding at the end thereof the following new sentence: "In pursuit of this objective the Board will seek the cooperation of all the institutions of higher education and of other educational agencies in planning a system of higher education that will serve all the higher educational needs of the State and that will encourage a high standard of excellence in all institutions composing the system, each operating under the direction of its own Board of Trustees in the performance of the functions assigned to it."

Sec. 2. G. S. 116-158(a), as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the word "determine", in line 1 thereof, and substituting therefor the word "allot"; and by striking out the word "order", in line 3 thereof, and substituting therefor the word "action".

Sec. 3. G. S. 116-158(d), as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting following the word "uniform" and preceding the word "practices", in line 1 thereof, the words "statistical reporting".

Sec. 4. G. S. 116-158(e) is hereby rewritten to read as follows:

"(e) All institutions included in the State System of Higher Education shall conform to the educational functions and activities assigned to them respectively: Provided, that the Board shall not require any institution to abandon or discontinue any existing educational functions or activities, if, after notice and hearing, the institution is not in agreement with the decision of the Board, until such decision is first recommended to and approved by the General Assembly."

Sec. 5. G. S. 116-158(f), as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby rewritten to read as follows:

"(f) The Board shall review and appraise the biennial budget requests of all institutions and shall make its recommendations with respect to such requests to the Director of the Budget and the Advisory Budget Commission.

"Upon request of the Board each institution shall furnish the Board with a copy of its biennial budget requests and related statements, information, data and estimates specified in G. S. 143-6 at a time designated by the Board so that the Board may review and appraise such requests

prior to the hearings before the Advisory Budget Commission provided in G. S. 143-10. The Board's recommended budget expenditures transmitted to the Director of the Budget and the Advisory Budget Commission shall be accompanied by supporting data relied upon by the Board and the Board shall advise the Commission as to whether the budget requests made by each institution are consistent with the primary purposes of the institution and with the functions allocated to the institution by statute or by the Board, and if an institution's requests are deemed inconsistent, the institution shall be so advised."

Sec. 6. G. S. 116-158(g), as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting following the word "shall," and preceding the word "after", in line 3 thereof, the words "upon the request of the Director of the Budget,"; by striking out the word "officers", in line 3 thereof, and substituting therefor the word "president"; by striking out the words "for their recommendations, adopt", in lines 3 and 4 thereof, and substituting therefor the word "recommend"; and by striking out all of the remainder of the subsection following the word "institution.", in line 4 thereof.

Sec. 7. G. S. 116-158(h), as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby rewritten to read as follows:

"(h) Any requests of an institution for transfers and changes as between objects and items in the approved budget of such institution and involving the establishment of new educational functions or activities shall first be submitted to the Board of Higher Education for approval before being presented to the Director of the Budget."

Sec. 8. G. S. 116-160, as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the word "and" following "(d)," and preceding "(e)", in line 3 thereof; by inserting the words "and (f)" following the "(e)", in line 3 thereof; and by striking out the words "chancellors of such institutions to be affected, together with such other persons as they may desire,", in lines 3 and 4 thereof, and substituting therefor the words "such persons as they may designate".

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 370 CHAPTER 327

AN ACT TO AMEND G. S. 153-9 (40) AND G. S. 160-22 SO AS TO AUTHORIZE CITY, COUNTY, AND JOINT PLANNING BOARDS TO CONTRACT WITH THE STATE AS WELL AS WITH THE FEDERAL GOVERNMENT FOR TECHNICAL PLANNING ASSISTANCE.

The General Assembly of North Carolina do enact:

Section 1. The fifth paragraph of subsection (40) of G. S. 153-9, as codified in the 1957 Cumulative Supplement to the 1952 recompiled Volume 3C, is amended by inserting the words "State or" between the words "the" and "federal" in line 5. Said paragraph is further amended by inserting between the word "the" and the word "federal" in line 8, the words "State or".

Sec. 2. The second paragraph of G. S. 160-22, as codified in the 1957 Supplement to the 1952 recompiled Volume 3C, is amended by inserting the words "State or" between the words "the" and "federal" in line 5.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 385 CHAPTER 328

AN ACT TO AMEND THE CHARTER OF THE CITY OF ROCKY MOUNT RELATIVE TO THE ISSUANCE OF WARRANTS IN THE CITY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 484 of the Session Laws of 1953 is rewritten to read as follows:

"Section 1. Section 29(a) of Chapter 208 of the Private Laws of 1913 is rewritten to read as follows:

'Sec. 29(a). That all criminal actions instituted in said recorder's court shall be commenced by warrant, issued upon complaint under oath, as in courts of justices of the peace, and shall be prosecuted in the name of the State. Arrest warrants may be issued by the recorder, vice recorder, clerk or assistant and deputy clerks of the recorder's court, or desk sergeants of the Police Department of the City of Rocky Mount, who are expressly authorized to administer appropriate oaths to complainants; search warrants may also be issued by said officers for execution within the territory to which the court's criminal jurisdiction extends. And the practice and procedure in the trial of all such actions, except as herein otherwise provided, shall, as near as may be, conform to the practice and procedure in the trial of criminal causes of like dignity in the Superior Courts of this State upon indictment.' "

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 386 CHAPTER 329

AN ACT TO AMEND THE CHARTER OF THE CITY OF ROCKY MOUNT RELATIVE TO THE DATE FOR HOLDING MUNICIPAL ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 209 of the Private Laws of 1907 is amended by striking out the first sentence and substituting in lieu thereof the following:

"That an election shall be held in the several wards and voting precincts of the city on the first Tuesday in May, 1959, and annually thereafter."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 428 CHAPTER 330

AN ACT RELATING TO MEETINGS OF THE DARE COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 566, Public Laws of 1909 is hereby repealed.

Sec. 2. From and after the ratification of this Act the meetings of the Dare County Board of Education shall be held in accordance with and pursuant to Section 115-28 of the General Statutes of North Carolina.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after May 1, 1959.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 431 CHAPTER 331

AN ACT AMENDING THE CHARTER OF THE TOWN OF GRIFTON SO AS TO FIX THE BEGINNING DATES OF THE TERMS OF OFFICE OF THE MAYOR AND COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That Section 1, Chapter 1072, Session Laws of 1955, which rewrites Section 2 of Chapter 151, Private Laws of 1895, as amended by Chapter 819, Session Laws of 1945, and which is further amended by Chapter 292, Session Laws of 1957, be and the same is again amended by adding at the end thereof the following:

"That the terms of office of the mayor and members of the board of commissioners of said town shall begin on the second Tuesday in July following their election."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 472 CHAPTER 332

AN ACT AMENDING SECTION 5, CHAPTER 899, SESSION LAWS OF 1949, RELATING TO PROFESSIONAL BONDSMEN IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 5, Chapter 899, Session Laws of 1949, be and it is hereby amended by striking out of said Section 5 all of the language contained therein following the period at the end of the first sentence.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after the 1st day of July, 1959.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 490 CHAPTER 333

AN ACT AUTHORIZING THE SHERIFF OF HYDE COUNTY TO APPOINT ONE FULLTIME DEPUTY FOR OCRACOKE TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. That the Sheriff of Hyde County be and he is hereby authorized to appoint one full time deputy sheriff who shall reside in Ocracoke Township and shall devote the major portion of his time to law enforcement in said township.

Sec. 2. The salary of the full time deputy sheriff provided for in Section 1 of this Act shall be fixed by the Board of Commissioners of Hyde County and shall be paid in equal monthly installments from the general fund of the county.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 505 CHAPTER 334

AN ACT TO AMEND G. S. 105-345, AS AMENDED BY CHAPTER 822 OF THE SESSION LAWS OF 1951 RELATING TO THE DISCOUNT ALLOWABLE FOR PREPAYMENT OF TAXES IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 822 of the Session Laws of 1951 is hereby amended by rewriting the Section in its entirety to read as follows:

"Section 1. G. S. 105-345 as amended is hereby further amended by adding the following subsection at the end thereof:

'(9) However, subsections one (1), two (2), and six (6) shall not apply to taxes levied by Union County and should any taxpayer of Union County make payment of his taxes in the months of July through September following the levy thereof he shall be entitled to the following discounts: If paid during the months of July or August a deduction of two per cent (2%); if paid during the month of September a deduction of one per cent (1%). If said tax is paid on or after the first day of October and on or before the first day of February next after due and payable, the tax shall be paid at par or face value.'"

Sec. 2. This Act shall apply to Union County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 515 CHAPTER 335

AN ACT TO AMEND ARTICLE 17A OF CHAPTER 7 OF THE GENERAL STATUTES, RELATING TO WARRANTS AND RECEIPTS OF JUSTICES OF THE PEACE, SO AS TO MAKE THE SAME APPLICABLE TO ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-134.6 of the General Statutes, as the same appears in the 1957 Cumulative Supplement, is hereby amended by inserting the word "Anson" immediately preceding the word "Ashe" in line 2 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. B. 516 CHAPTER 336

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ANSON COUNTY TO FIX CERTAIN FEES AND COMMISSIONS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Anson County is hereby authorized to fix in its discretion all fees and commissions which may be charged by registers of deeds, Clerks of Superior Court, clerks of county domestic relations courts, clerks of general county courts, sheriffs, jailers, and coroners for the performance of any service or duty permitted or required by law. Such fees and commissions may be fixed from time to time, and once fixed may be changed at any time. Action to fix such fees and commissions shall be taken by resolution of the Board of County Commissioners. Until the Board of County Commissioners takes such action to fix any fee or commission, such fee or commission shall continue to be charged as is now provided by law.

Sec. 2. This Act shall apply only to Anson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

S. B. 88 **CHAPTER 337**

AN ACT TO AMEND CHAPTER 166 OF THE GENERAL STATUTES RELATING TO CIVIL DEFENSE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 166 of the General Statutes of North Carolina is hereby amended by adding a new Section immediately following G. S. 166-1 to be numbered G. S. 166-1.1 and to read as follows:

"G. S. 166-1.1. Policy and Purpose.

(a) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, earthquake, hurricane, or other natural causes, and in order to insure that preparations of this State will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the State, it is hereby found and declared to be necessary:

(1) To create a State Civil Defense Agency, and to authorize the creation of areas within the State and to create local organizations for civil defense in the political subdivisions of the State;

(2) To confer upon the Governor and upon the executive heads or governing bodies of the political subdivisions of the State the emergency powers provided herein; and

(3) To provide for the rendering of mutual aid among the political subdivisions of the State and with other states and to cooperate with the Federal Government with respect to the carrying out of civil defense functions.

(b) It is further declared to be the purpose of this Act and the policy of the State that all civil defense functions of this State be coordinated to the maximum extent with the comparable functions of the Federal Government including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur."

Sec. 2. G. S. 166-3 is rewritten to read as follows:

"G. S. 166-3. State Civil Defense Agency.

(a) There is hereby created within the Executive Branch of the State Government a department of Civil Defense (hereinafter called the 'Civil Defense Agency') and a Director of Civil Defense (hereinafter called 'Director') who shall be the head thereof and shall be a full time administrative officer appointed by the Governor. He shall hold office during the pleasure of the Governor and his salary shall be fixed by the Governor subject to the approval of the Advisory Budget Commission.

(b) The Director may employ such technical, clerical, stenographic and other personnel and may make such expenditures within the appropriation therefor.

(c) The Director and other personnel of the Civil Defense Agency shall be provided with appropriate office space, furniture, equipment,

supplies, stationery and printing in the same manner as provided for personnel of other State agencies.

(d) The Director, subject to the direction and control of the Governor, shall be the administrative officer of the Civil Defense Agency and the State Disaster Coordinator and shall be responsible to the Governor for carrying out the program for civil defense of this State. He shall coordinate the activities of all organizations for civil defense within the State, and shall maintain liaison with and cooperate with civil defense agencies and organizations of other states and of the Federal Government, and shall have such additional authority, duties, and responsibilities authorized by this Chapter as may be prescribed by the Governor."

Sec. 3. G. S. 166-4 is rewritten to read as follows:

"G. S. 166-4. There is hereby created a Civil Defense Advisory Council (hereinafter called the 'Council'), the members of which shall consist of all of those individuals designated as chiefs of service in the basic plan and amendments to the Operational Survival Plan of the North Carolina Civil Defense Agency, the Council shall advise the Governor and Director on all matters pertaining to Civil Defense when requested. The Governor shall serve as Chairman of Council, and all members thereof serve without compensation."

Sec. 4. G. S. 166-6 is rewritten to read as follows:

"G. S. 166-6. Emergency Powers. The provisions of this Section shall be operative only during the existence of a state of civil defense emergency (referred to hereinafter in this Section as 'emergency'). The existence of such emergency may be proclaimed by the Governor, after joint decision of the Governor and the Council of State, or by concurrent Resolution of the Legislature if the Governor in such proclamation, or the Legislature in such Resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural disaster of major proportions has actually occurred within this State, and that the safety and welfare of the inhabitants of this State require an invocation of the provisions of this Section. Any such emergency, whether proclaimed by the Governor or by the Legislature, shall terminate upon the proclamation of the termination thereof by the Governor, or the passage by the Legislature of a concurrent Resolution terminating such emergency. During such period as such state of emergency exists or continues, the Governor shall have and may exercise the following additional emergency powers:

(a) To enforce all laws, rules, and regulations, relating to civil defense and to assume direct operational control of any or all civil defense forces and helpers in the State.

(b) To sell, lend, lease, give, transfer, or deliver materials or perform services for civil defense purposes on such terms and conditions as may be prescribed for any existing law, and to account to the State Treasurer for any funds received for such property.

(c) To procure, by purchase, condemnation, seizure, or other means, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for civil defense without regard to the limitations of any

existing law provided he shall make compensation for the property so seized, taken, or condemned on the following basis:

(1) In case property is taken for temporary use, the Governor, within 30 days of the taking, shall fix the amount of compensation to be paid for such damage or failure to return. Whenever the Governor shall deem it advisable for the State to take title to property taken under this Section, he shall forthwith cause the owner of such property to be notified thereof in writing by registered mail, postage prepaid, or by the best means available, and forthwith cause to be filed a copy of said notice with the Secretary of State.

(2) If the person entitled to receive the amount so determined by the Governor as just compensation is unwilling to accept the same as full and complete compensation for such property or the use thereof, he shall be paid seventy-five per centum (75%) of such amount and shall be entitled to recover from the State of North Carolina, in an action brought in the Superior Court in the county of residence of claimant, or in Wake County, in the same manner as other condemnation claims are brought, within three years after the date of the Governor's award such additional amount, if any, which, when added to the amount so paid to him, shall be just compensation.

(d) To provide for and compel, if deemed necessary, the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of such evacuees.

(e) Subject to the provisions of the State Constitution, to relieve any public office having administrative responsibilities under this Act of such responsibilities for willful failure to obey an order, rule, or regulation adopted pursuant to this Act.

(f) To perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population.

(g) To take such action and give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Chapter and with the orders, rules and regulations made pursuant thereto, which officers and agencies shall comply with such direction.

(h) To employ such measures and give such directions to all State departments, commissions, boards, bureaus and other agencies, and to their counterparts in the political subdivisions, as may be reasonably necessary for the purpose of securing compliance with the provisions of this Chapter or with the findings or recommendations of the above-named agencies by reason of conditions arising from enemy attack or the threat of enemy attack or otherwise.

(i) To establish a system of economic controls over all resources, materials, and services to include food, clothing, shelter, fuel, rents, and wages."

Sec. 5. Subsection (a) of G. S. 166-8, as the same appears in the 1957 Supplement to the General Statutes, is hereby amended by inserting be-

tween the period and the word "Municipalities," in line 20 of said Section the following: "Counties and".

Sec. 6. All the provisions of Sections 1 through 6, inclusive, of Chapter 706 of the Session Laws of 1943, known and cited as the "North Carolina Emergency War Powers Act", not inconsistent with this Act, are hereby in all respects reenacted.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

S. B. 174 CHAPTER 338

AN ACT TO AMEND G. S. 51-6 RELATING TO THE SOLEMNIZATION OF MARRIAGES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 51-6, as the same appears in the 1957 Supplement to the General Statutes, is amended by deleting in lines 5 and 6 the words "or the county of residence of either of the two persons to be married,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

S. B. 222 CHAPTER 339

AN ACT TO REGULATE THE CONSTRUCTION OF PUBLIC AND PRIVATE SWIMMING POOLS IN THE TOWN OF LUMBERTON IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Every person, club, association, firm, or corporation in the Town of Lumberton who or which owns a private or public swimming pool, having a depth of three or more feet, shall, on or before June 1, 1959, construct and place around such swimming pool a fence or guard railing of not less than four feet in height, constructed so as to eliminate unobstructed access to such pools and thereby provide a barrier to small children who might otherwise wander into such pools and drown or otherwise become injured.

Sec. 2. On and after June 1, 1959, no person, club, association, firm or corporation shall construct or cause to be constructed a public or private swimming pool in the Town of Lumberton without first having obtained a permit from the building inspector of said town to do so, and no permit for such construction shall be issued unless the applicant shows that such pool, upon completion of its construction, shall meet the requirements of Section 1 of this Act.

Sec. 3. Any person, club, association, firm or corporation who or which fails to comply with the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court. Each day's failure to comply with the provisions of Section 1 of this Act shall constitute a separate offense and shall be punishable as provided in this Section.

Sec. 4. This Act shall not apply to indoor swimming pools.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

H. B. 397 CHAPTER 340

AN ACT TO AMEND G. S. 48-21 TO ALLOW DISCRETIONARY WAIVER BY A COURT OF ADOPTION TO THE ENTRY OF THE INTERLOCUTORY DECREE AND PROBATIONARY PERIOD WHEN THE CHILD IS BY BLOOD A GREAT GRANDCHILD OF PETITIONER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 48-21 subsection (c) as it appears in the 1957 Cumulative Supplement is amended by adding after "grandchild," and before the word "nephew" in line 4 thereof the following: "great grandchild,".

Sec. 2. This Act shall not apply to any pending litigation.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

H. B. 420 CHAPTER 341

AN ACT TO PROVIDE FOR JURY TRIALS IN JUSTICE OF PEACE COURTS IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. When an issue of fact shall be joined before a justice, on demand of either party thereto, he shall direct that sufficient persons be summoned to serve as jurors. The names of all persons attending court in answer to said summons shall be placed in a box, and the justice shall, in the presence of the parties, draw from the box the names of six persons to constitute the jury for the trial of the issue.

Sec. 2. The provisions of General Statutes 7-153, 7-154, 7-156, 7-157, 7-158, 7-160, 7-161, 7-162 and 7-163 shall not apply to Mecklenburg County.

Sec. 3. This Act shall apply to Mecklenburg County only.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

H. B. 438 CHAPTER 342

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-70, as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out in line 7 of the paragraph thereof relating to Henderson County, found on page 59 of the 1957 Cumulative Supplement, the words "the eleventh Monday after" and substituting in lieu thereof the words "the third Monday before"; and by striking out in line 4 of the third full paragraph, found on page 60 of the 1957 Cumulative Supplement, the words "the second Monday before" and substituting in lieu thereof the words "the twelfth Monday after".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

H. B. 475 CHAPTER 343

AN ACT TO INCORPORATE THE TOWN OF CHOCOWINITY IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The inhabitants of the Town of Chocowinity in Beaufort County, within the boundaries hereinafter established, are hereby incorporated under the name of the Town of Chocowinity, subject to the provisions of Section 8 of this Act, and the said town is hereby created a body politic and corporate and shall hereinafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina and other general laws of the State relating to cities and towns, and all such provisions that are not inconsistent with this Act are hereby made a part of the charter of the Town of Chocowinity as herein incorporated.

Sec. 2. The boundaries and corporate limits of the Town of Chocowinity shall be as follows:

BEGINNING at the intersection of the northern or eastern edge of Bragaw Lane with the southern edge of U. S. Highway No. 17, and running southwardly with the East side of Bragaw Lane about 4400 feet to N. C.

Highway No. 33, the Aurora Road; thence southwestwardly and at right angles to said road, to a point 300 feet from the southern right of way of said Highway No. 33; thence westwardly parallel to said highway and 300 feet therefrom 2800 feet more or less to a point 300 feet East of Walhurst Avenue; thence southwestwardly parallel to Walhurst Avenue and the same course continued 1160 feet more or less to Maple Branch; thence westwardly up said branch to the ditch immediately South of the Highway Patrol Office; thence along said ditch to U. S. Highway No. 17; thence westwardly and at right angles to said Highway No. 17 to a point 300 feet from the western right of way; thence northeastwardly parallel to said highway and 300 feet therefrom, 1250 feet more or less to a point 300 feet South of Highway U. S. No. 264; thence westwardly parallel to said highway and 300 feet therefrom 3600 feet more or less to a point 35 feet West of Mills Potato House (a concrete block structure); thence northeastwardly and at right angles to said U. S. Highway No. 264, 660 feet to a point; thence eastwardly parallel to said highway to a point 300 feet West of Moore Avenue; thence northeastwardly parallel to said avenue 300 feet therefrom 2880 feet to a point that a line 300 feet North of Patrick Lane and parallel thereto will intersect; thence southeastwardly to and along said lane and 300 feet therefrom 3000 feet more or less to a ditch which forms the western property line of the J. B. Patrick Subdivision; thence northwardly along said ditch 500 feet to the North side of North Drive; thence southeastwardly along the North side of said drive or street 800 feet to the western right of way of U. S. Highway No. 17; thence northeastwardly along said highway 850 feet to a point opposite the North side of Bragaw Lane thence eastwardly 60 feet to the point of BEGINNING.

Sec. 3. (a) The governing body of the Town of Chocowinity shall consist of a mayor and four town commissioners.

(b) At the special election to be held in the Town of Chocowinity on the third Saturday in June, 1959, or as soon thereafter as practicable, there shall be elected a mayor and four town commissioners. At said election the four candidates for commissioners receiving the highest number of votes shall be elected and shall serve for terms of two years each. Members of the board of commissioners shall serve until their successors are elected and qualified. The candidate for mayor at said election receiving the highest number of votes shall be declared elected and shall serve for a term of two years until his successor is duly elected and qualified. The mayor and town commissioners shall serve without compensation.

(c) Any person desiring to become a candidate for the office of mayor or town commissioner, shall, at least ten days before the election, file with the County Board of Elections a statement of such candidacy. Each candidate for the office of mayor shall at the time pay to said board the sum of five dollars ($5.00). Candidates for town commissioners shall pay to said board the sum of two dollars and fifty cents ($2.50).

(d) Vacancies on the board of town commissioners for any cause shall be filled by the board for the unexpired terms. In case of a vacancy in the office of mayor for any cause, the town commissioners shall appoint a successor for the unexpired term.

(e) Persons qualified and eligible to vote in the election for town officers shall be those persons who reside within the corporate limits of the Town of Chocowinity as set forth in this Act and are more than 21 years of age.

(f) The Beaufort County Board of Elections shall call and hold for said town a special election for the election of the first town officers and said election shall be held under the supervision of the County Board of Elections.

(g) The persons elected mayor and town commissioners in the special election shall take office one week following their election and shall hold said offices until July 1, 1961. At the general municipal election to be held in May, 1961, and biennially thereafter those elected mayor and town commissioners shall take office on the first day of July following their election. All subsequent elections shall be held in accordance with the provisions of Article 3 of Chapter 160 of the General Statutes.

Sec. 4. The town commissioners may appoint a town constable and such other police officers as may be necessary to enforce town ordinances, regulations and the laws of the State. The constable and such police officers as may be appointed shall serve at the pleasure of the town commissioners and shall receive such compensation as shall be authorized by said commissioners.

Sec. 5. The town commissioners shall appoint a town clerk, who shall also be the tax collector for said town to serve at the pleasure of the town commissioners. The town clerk shall be required to make bond as tax collector in such a manner as determined by the town commissioners. The town clerk shall receive such salary or compensation as shall be determined by the town commissioners for the performance of his duties as town clerk and tax collector.

Sec. 6. The Town of Chocowinity shall be authorized to share with the county in any profits which may be derived from any A.B.C. store which may be situated in the said town, according to the formula and standards used by the Beaufort County Board of Commissioners.

Sec. 7. The Town of Chocowinity as incorporated under the provisions of this Act shall possess all of the corporate powers authorized under Chapter 160 of the General Statutes.

Sec. 8. (a) For the purpose of determining the question of incorporation, the Beaufort County Board of Elections shall call and hold for the Town of Chocowinity at its expense a special election to determine whether the town shall be incorporated as herein provided. The County Board of Elections shall hold said election on the third Saturday in May, 1959, or as soon thereafter as practicable. The said Board of Elections shall make all the necessary provisions for the holding and conducting of the election, including the canvassing of the returns and the declaration of the result of said election. The call for said election shall be published in some newspaper in Beaufort County and preferably in a newspaper published in the Town of Chocowinity for the period of once a week for four successive weeks prior to said election.

(b) The persons qualified and eligible to vote in said election shall be those persons who reside within the proposed corporate limits of the town and are more than 21 years of age.

(c) The County Board of Elections shall cause the registration books to be open on the first Saturday in May, 1959, or two weeks prior to the election, for the registration of those persons qualified to vote in said election. The registration books shall be kept open at the polling places during registration hours for the inspection of those voting in said election, and any registered qualified voter shall be allowed to challenge the name of any person appearing on said books.

(d) At such special election the qualified voters who present themselves to the election officials at the respective voting places shall be furnished with ballots upon which shall be written or printed the words "For incorporation" and "Against incorporation". If at such special election a majority of the votes cast shall be "For incorporation", then from and thereafter the Town of Chocowinity shall be incorporated as provided in this Act.

Sec. 9. If at the special election for the incorporation of the Town of Chocowinity, as herein provided, a majority of the votes cast shall be "Against incorporation", this Act shall be null and void.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

H. B. 493 CHAPTER 344

AN ACT TO AMEND G. S. 51-18.1, RELATING TO THE CORRECTION OF ERRORS APPEARING IN THE RETURNS OR CERTIFICATES OF THE OFFICIATING OFFICERS IN RECORDING MARRIAGE LICENSES.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 51-18.1, as the same appears in the 1957 Cumulative Supplement to the General Statutes of North Carolina, by adding, after the comma appearing after the word "thereunder", and before the word "the" in the third line of said Section, the following:

"or upon a return or certificate of an officiating officer,".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

H. B. 521 **CHAPTER 345**

AN ACT RELATING TO THE ISSUANCE OF WARRANTS AND RECEIPTS OF JUSTICES OF THE PEACE IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-134.6, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, is amended by inserting immediately following the comma after the word "Chowan" and immediately preceding the word "Cumberland", in line 3 of said Section, the word "Columbus,".

Sec. 1.1. G. S. 7-134.6 as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, is amended by inserting immediately following the comma after the word "Guilford" and immediately preceding the word "Haywood" in line 3 of said Section, the word "Harnett,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

H. B. 530 **CHAPTER 346**

AN ACT TO AMEND G. S. 28-68 RELATING TO THE PAYMENT TO THE CLERK OF MONEY OWED TO AN INTESTATE IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-68 (a) (2) is hereby amended by striking out the words and figures "five hundred dollars ($500.00)" appearing therein and by substituting in lieu thereof the words and figures "one thousand dollars ($1,000.00)".

Sec. 2. G. S. 28-68 (a) (3) is hereby amended by striking out the words and figures "five hundred dollars ($500.00)" in line two thereof and by substituting in lieu thereof the words and figures "one thousand dollars ($1,000.00)".

Sec. 3. G. S. 28-68 (b) is hereby amended by striking out the words and figures "five hundred dollars ($500.00)" in lines two and four thereof and by substituting in lieu thereof the words and figures "one thousand dollars ($1,000.00)".

Sec. 4. G. S. 28-68 (c) is hereby amended by striking out the words and figures "five hundred dollars ($500.00)" in line two thereof and by substituting in lieu thereof the words and figures "one thousand dollars ($1,000.00)".

Sec. 5. This Act shall apply only to Burke County.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

H. B. 564 CHAPTER 347

AN ACT TO REPEAL HOUSE BILL NO. 102 RATIFIED FEBRUARY 27, 1959, RELATING TO THE FORM OF FINANCIAL STATEMENTS OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. House Bill No. 102 ratified 27 February 1959 is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

H. B. 579 CHAPTER 348

AN ACT TO AMEND CHAPTER 122 OF THE GENERAL STATUTES RELATING TO THE STATE HOSPITAL AT BUTNER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 122-1, 1958 Replacement Volume 3B, is amended by striking out, in lines 8 and 9, the words "State Hospital at Butner" and substituting in lieu thereof the words "The John Umstead Hospital".

Sec. 2. G. S. 122-2, 1958 Replacement Volume 3B, is amended by striking out, in line 3, the words "State Hospital at Butner" and substituting in lieu thereof the words "The John Umstead Hospital".

Sec. 3. G. S. 122-3, 1958 Replacement Volume 3B, is amended by striking, in line 2, the words "State Hospital at Butner" and substituting in lieu thereof the words "The John Umstead Hospital".

Sec. 4. G. S. 122-7, 1958 Replacement Volume 3B, is amended by striking out, in line 5, the words "State Hospital at Butner" and inserting in lieu thereof the words "The John Umstead Hospital".

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

S. B. 38

CHAPTER 349

AN ACT TO PROVIDE FOR THE CONTINUITY OF LOCAL GOVERNMENT IN EMERGENCY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 159 of the General Statutes of North Carolina is hereby amended by adding thereto a new Article 5 to provide for the continuity of local government in emergency and to read as follows:

"ARTICLE 5

"Continuity of Local Government in Emergency.

"Sec. 159-69. Designated Emergency Location of Government. The governing body of each political subdivision of this State is hereby authorized to designate by ordinance, resolution or other manner, alternate sites or places, within or without the territorial limits of such political subdivision and within or without this State, as the emergency location of government.

"Sec. 159-70. Emergency Meetings. Whenever the Governor and Council of State acting together declare an emergency to exist by reason of actual or impending hostile attack upon the State of North Carolina and, due to the emergency so declared, it becomes imprudent or impossible to conduct the affairs of local government at the regular or usual place or places thereof, the governing body of each political subdivision of this State is hereby authorized to meet from time to time upon call of the presiding officer or a majority of the members thereof at the designated emergency location of government during the period of the emergency and until the emergency is declared terminated by the Governor and Council of State.

"Sec. 159-71. Emergency Public Business; Nature and Conduct. Whenever the public business of any political subdivision is being conducted at a designated emergency location outside the territorial limits thereof, the members of the governing body may exercise such executive and legislative powers and functions as are pertinent to continued operation of the local government upon return to within the respective political subdivisions. Any action taken by any local governing body at a designated emergency location shall apply and be effective only within the territorial limits of the political subdivision which such governing body represents. During the period of time in which the public business is being conducted at a designated emergency location, the governing body may, when emergency conditions make impossible compliance with legally prescribed procedural requirements relating to the conduct of meetings and transaction of business, waive such compliance by adoption of an ordinance or resolution reciting the facts and conditions showing the impossibility of compliance.

"Sec. 159-72. Provisions of Article Control Over Local Law. The provisions of this Article shall be effective in the event it shall be employed notwithstanding any statutory, charter or ordinance provision to the contrary or in conflict herewith."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

H. B. 61 CHAPTER 350

AN ACT TO AMEND G. S. 1-597 RELATIVE TO PUBLICATION OF LEGAL NOTICES IN COUNTIES WHEREIN NO NEWSPAPER IS PUBLISHED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-597 is hereby amended by adding thereto a new paragraph to read as follows:

"Notwithstanding the provisions of G. S. 1-599, whenever a notice or any other paper, document or legal advertisement of any kind or description shall be authorized or required by any of the laws of the State of North Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of this State to be published or advertised in a newspaper qualified for legal advertising in a county and there is no newspaper qualified for legal advertising as defined in this Section in such county, then it shall be deemed sufficient compliance with such laws, order or judgment by publication of such notice or any other such paper, document or legal advertisement of any kind or description in a newspaper published in an adjoining county or in a county within the same judicial district; provided, if the Clerk of the Superior Court finds as a fact that such newspaper otherwise meets the requirements of this Section and has a general circulation in such county where no newspaper is published meeting the requirements of this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

H. B. 110 CHAPTER 351

AN ACT AMENDING G. S. 51-10 RELATING TO THE ISSUANCE OF MARRIAGE LICENSES TO PERSONS SUFFERING FROM TUBERCULOSIS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 51-10 be and the same is hereby amended by adding at the end thereof the following: "exceptions to § 51.9, in case of persons who have active tuberculosis, are permissible only under the following conditions:

"1. When the female applicant is pregnant and it is necessary to protect the legitimacy of the offspring, provided that such applicant (and

the proposed marriageable partner if he has active tuberculosis) shows evidence of being under treatment for tuberculosis and both persons are known to the local or county health department and sign agreements to take adequate treatment until cured or protected.

2. When there is a living child of the parties and it is necessary to protect the legitimacy of said child and either or both of the parties have active tuberculosis, provided that such party or parties with active tuberculosis show evidence of being under treatment for tuberculosis and both parties are known to the local or county health department and sign agreements to take adequate treatment until cured or protected.

3. To validate any type of marriage which took place prior to the illness of either applicant but which marriage was later found to be invalid because of some technicality and said technicality is not a bar to marriage in North Carolina, provided the marital partner or partners who have active tuberculosis show evidence of being under treatment and sign an agreement to take adequate treatment until cured or protected, and both marital partners are known to the local or county health department."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

H. B. 116 CHAPTER 352

AN ACT TO AMEND G. S. 106-369 RELATING TO THE PURCHASE AND RESALE OF RABIES VACCINE AND METAL TAGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-369 is hereby amended by changing the first sentence to read as follows: "The State Department of Agriculture may purchase proper rabies vaccine and a uniform metal tag serially numbered, suitably lettered and showing the year issued, provided for in Section 106-364 to 106-387, for resale to the rabies inspectors.", and by adding immediately thereafter a new sentence to read as follows: "The resale price shall include State cost of the vaccine, metal tags, handling and postage."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

H. B. 444 CHAPTER 353

AN ACT TO AUTHORIZE AND EMPOWER THE GOVERNING BODY OF THE CITY OF SALISBURY TO CONSTRUCT AND INSTALL, OR CONTRACT FOR THE CONSTRUCTION AND INSTALLATION OF, CURBS AND GUTTERS ON ITS PUBLIC STREETS, AND TO SPECIALLY ASSESS THE COST THEREOF AGAINST PROPERTY ABUTTING UPON SUCH PUBLIC STREET SO IMPROVED; AND PRESCRIBING THE PROCEDURE THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. Supplemental to and independent of the powers and authority heretofore granted by the General Assembly of North Carolina as contained in the General Statutes and as contained in Chapter 224, Private Laws, 1927, as amended, the Governing Body of the City of Salisbury is hereby authorized and empowered, without the necessity of having a petition filed by the owner or owners of abutting property, to construct and install or contract for the construction and installation of curbs and gutters on any of the public streets of said municipality and specially assess the entire cost of such construction and installation against the property upon the street or streets which are so improved.

Sec. 2. When it is proposed to make without petition any improvement described in Section 1 hereof, the governing body shall adopt a resolution which shall contain substantially the following:

(a) That the proceeding is taken under and will be governed by the provisions of this Act.

(b) A statement of the reasons proposed for the making thereof.

(c) A brief description of the proposed improvement.

(d) The cost of the improvement to be specially assessed and the terms of payment.

(e) A notice of the time and place when and where a public hearing will be held on the proposed improvement. The time fixed for such public hearing shall be such as to allow notice being given thereof not less than ten days prior thereto.

(f) A notice that all objections to the legality of the making of the proposed improvement shall be made in writing, signed in person or by attorney, and filed with the clerk of the municipality at or before the time of such hearing, and that any such objections not so made will be waived.

The resolution shall be published one time in a newspaper published in the municipality, the date of publication to be not less than ten days prior to the date fixed for the hearing.

Sec. 3. In the event that the governing body elects to proceed under this Act to construct curbs and gutters and specially assess all of the cost thereof against abutting property without the filing of a petition therefor, as is authorized by this Act, and does not adopt the resolution provided for in Section 2 of this Act, then and in such event the procedure applicable to such proceedings from that point to the final completion of the improvement, the final confirmation of the assessment roll, and the remedies available shall be as particularly set forth and provided in

Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, and 29 of Chapter 224, Private Laws, 1927, as amended; and said enumerated and designated Sections of said Chapter 224, Private Laws, 1927, as amended, are hereby incorporated and adopted as a part of this Act as fully and to all intents and purposes as if set out word for word in this Act. Provided, that when an improvement is constructed under this Act, the governing body may, in its discretion, and notwithstanding the provisions of Section 22 of said Chapter 224 of the Private Laws of 1927, provide that assessments therefor not paid in cash shall be payable in not less than two nor more than five equal annual installments, according to the original resolution authorizing the improvement.

Sec. 4. When electing to construct curbs and gutters and specially assess the cost thereof upon abutting property, as authorized by this Act, the governing body shall specially state in the resolution as provided for in Section 2 hereof that it is proceeding under and by virtue of this Act.

Sec. 5. All laws in conflict herewith are hereby repealed.

Sec. 6. This Act shall apply only to the City of Salisbury.

Sec. 7. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

H. B. 532 CHAPTER 354

AN ACT TO AMEND CHAPTER 286 OF THE SESSION LAWS OF 1953 RELATING TO THE COMPENSATION OF THE SHERIFF AND DEPUTY SHERIFF OF POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 286 of the Session Laws of 1953 is amended by striking out in line 4 the words and figures "five thousand dollars ($5,000.00)" and inserting in lieu thereof the words and figures "five thousand five hundred dollars ($5,500.00)". Said Section is further amended by striking out in line 6 the words and figures "three thousand six hundred dollars ($3,600.00)" and inserting in lieu thereof the words and figures "four thousand dollars ($4,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

H. B. 552 CHAPTER 355

AN ACT RELATING TO THE TERMS OF OFFICE OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF WINTERVILLE IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 1 of Chapter 183 of the Session Laws of 1943 is amended by adding a new paragraph at the end thereof to read as follows:

"The Mayor and members of the Board of Commissioners of the Town of Winterville and their successors in office shall serve in such capacity until the first Monday in July of the year in which their terms of office expire and until their successors are elected and qualified."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

H. B. 556 CHAPTER 356

AN ACT TO AMEND CHAPTER 169 OF THE SESSION LAWS OF 1955 RELATING TO RURAL FIRE DISTRICTS IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 5 of Chapter 169 of the Session laws of 1955 is amended by striking out in line 1 and in line 5 thereof the word "July" and inserting in lieu thereof the word "January".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

H. B. 560 CHAPTER 357

AN ACT TO AUTHORIZE THE CORONER OF GRANVILLE COUNTY TO APPOINT A DEPUTY CORONER.

The General Assembly of North Carolina do enact:

Section 1. The Coroner of Granville County is hereby authorized in his discretion to appoint some fit and suitable person to act as Deputy Coroner for Granville County. The person so appointed shall hold office at the pleasure of the coroner and shall take and subscribe to the oath prescribed for public officers. He shall also execute an undertaking conditioned upon the faithful discharge of the duties of his office with good and sufficient surety in the penal sum of two thousand dollars ($2,000.00), payable to the State of North Carolina and approved by the board of county commissioners. The premium on said bond shall be paid by the board of county commissioners out of the general fund of the county.

Sec. 2. The deputy coroner shall be invested with all the powers and duties conferred upon the regular coroner in respect to holding inquests over deceased bodies and shall be subject to the penalties and liabilities imposed on said coroner.

Sec. 3. A deputy coroner appointed under the provisions of this Act shall receive the same fees now provided by law for the regular Coroner of Granville County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

H. B. 565 CHAPTER 358

AN ACT TO FIX THE SALARIES AND ALLOWANCES TO BE PAID TO THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY AND TO BE PAID TO THE CHAIRMAN AND MEMBERS OF THE BOARD OF EDUCATION OF WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That on and after June 1, 1959, the Chairman of the Board of County Commissioners of Washington County shall receive a salary of four hundred eighty dollars ($480.00) per annum, to be payable in equal monthly installments, the same to be in full compensation for all services of the said Chairman of the Board of County Commissioners of Washington County. In addition to the annual salary heretofore fixed, the Chairman of the Board of County Commissioners of Washington County shall be allowed and paid mileage computed on the basis of seven cents (7¢) per mile for the distance from the home of said chairman to the county seat and return, said distance to be computed by the usual route of public travel.

Sec. 2. That on and after June 1, 1959, each member of the Board of County Commissioners of Washington County, other than the chairman, shall receive the sum of fifteen dollars ($15.00) for each meeting attended by such member or members, held by said board of county commissioners, regardless of the length of time consumed in the meeting, and a travel allowance computed on the basis of seven cents (7¢) per mile for the distance from the home of each respective member of said board to the county seat and return, said distance to be computed by the usual route of public travel.

Sec. 3. That on and after June 1, 1959, the Chairman of the Board of Education of Washington County shall receive a salary of four hundred eighty dollars ($480.00) per annum, to be payable in equal monthly installments, the same to be in full compensation for all services of the said Chairman of the Board of Education of Washington County. In addition to the annual salary heretofore fixed, the Chairman of the Board of Education of Washington County shall be allowed and paid mileage computed on the basis of seven cents (7¢) per mile for the distance from the home of said chairman to the county seat and return, said distance to be computed by the usual route of public travel.

Sec. 4. That on and after June 1, 1959, each member of the Board of Education of Washington County, other than the chairman, shall receive the sum of fifteen dollars ($15.00) for each meeting attended by such

member or members, held by said board of education, regardless of the length of time consumed in the meeting, and a travel allowance computed on the basis of seven cents (7¢) per mile for the distance from the home of each respective member of said board to the county seat and return, said distance to be computed by the usual route of public travel.

Sec. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. That this Act shall be in effect from and after June 1, 1959.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

H. B. 679 CHAPTER 359

AN ACT TO EXCLUDE CERTAIN REAL PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CONWAY IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The following described real property is hereby exempted from the present corporate limits of the Town of Conway in Northampton County:

Tract No. 1

Beginning at a concrete marker at the eastern edge of the right of way of Seaboard Air Line Railroad, corner for this and the Mrs. Mattie Futrell lands, and from said point running with the eastern edge of said Seaboard Air Line Railroad right of way North 4 degrees East 1073.5 feet to a concrete marker, corner; thence running South 86 degrees East 1645 feet to a concrete marker, corner; thence running South 4 degrees no minutes West 60 feet, thence South 23 degrees no minutes East 212 feet to a concrete marker, corner for this at the Mrs. Mattie Futrell line; thence with the said Mattie Futrell line South 70 degrees 20 minutes West 1928 feet to the point of beginning, containing 23.69 acres as surveyed April 9, 1959.

Tract No. 2

Beginning at a concrete marker at the western edge of the right of way of Seaboard Air Line Railroad, corner for this and lands of B. M. Rawlings, and from said beginning point running with the western edge of said Seaboard Air Line Railroad right of way North 4 degrees no minutes East 974 feet to the line of Gilbert Futrell, corner; thence with the said Futrell line North 86 degrees no minutes West 68 feet to the eastern edge of North Carolina Highway No. 35; thence with the eastern edge of said North Carolina Highway No. 35 the following courses and distances, viz: South 3 degrees no minutes West 697 feet, South 5 degrees no minutes West 100 feet, South 10 degrees no minutes West 65 feet, South 15 degrees West 100 feet to a concrete marker at the northwest corner of lands of B. M. Rawlings, same being the southwest corner of lands herein described, and being at the eastern edge of North Carolina Highway No. 35; thence with the said Rawlings line South 75 degrees no minutes East 60 feet to the point of beginning, containing 1 acre, as surveyed April 9, 1959.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

H. B. 693 CHAPTER 360

AN ACT RELATING TO NOTICE OF SPECIAL TERMS OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-80 is amended by striking out in line seven the word "two" and inserting in lieu thereof the word "one".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

S. B. 60 CHAPTER 361

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HALIFAX COUNTY TO LEVY A TAX UPON THE PROPERTY IN SCOTLAND NECK, PALMYRA, ROSENEATH AND CONOCONARA TOWNSHIPS IN HALIFAX COUNTY FOR THE OPERATION, MAINTENANCE AND EQUIPPING OF "OUR COMMUNITY HOSPITAL, INCORPORATED," A NON-PROFIT, CHARITABLE ORGANIZATION.

WHEREAS, "Our Community Hospital," Scotland Neck, North Carolina, was constructed in the year 1948 by Halifax County in cooperation with the North Carolina Medical Care Commission under Chapter 131, General Statutes of North Carolina and the Federal Hill-Burton Hospital Construction and Survey Act known as Public Law No. 725, and whereas at the request of Halifax County Board of Commissioners, Halifax County was divided into two hospital areas by the North Carolina Medical Care Commission: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Halifax County is authorized and directed, after ten days' notice at the courthouse door and one publication in one or more newspapers published in Halifax County, to order a special election to be held at such time as it may fix to determine the will of the people of Scotland Neck, Palmyra, Roseneath and Conoconara Townships as to whether or not the Board of County Commissioners of Halifax County shall levy a special annual tax not to exceed ten cents (10¢) on each one hundred dollars ($100.00) of the assessed value of the

real and personal property taxable in the four townships above-named and which said tax levy shall not exceed a period of four years in duration. The said tax, if approved by a vote of the people as hereinafter provided, and the proceeds derived from same, shall be set aside and used as a fund for financing the cost of operation, equipment, maintenance, payment of salaries, supplies and any deficit or deficits of the "Our Community Hospital, Incorporated", a nonprofit, charitable organization and hospital operated for the use and benefit of the public and for the treatment of charitable and indigent cases. The question of levying such special annual tax upon the assessed value of the real and personal property taxable in the four townships above-named shall be submitted to the qualified voters of the said four townships above-named at an election to be held as hereinafter provided. The rate or amount of such tax or taxes for which the levy may be made hereunder shall be determined by the Board of Commissioners of Halifax County not to exceed ten cents (10¢) on each one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in said four townships above-named, and a ballot shall be furnished to each qualified voter at said election to be held in said four townships above-named, which ballot may contain the words "For Hospital Maintenance Tax (briefly stating any other pertinent information)." and "Against Hospital Maintenance Tax (briefly stating any other pertinent information)," with squares in front of each proposition, in one of which squares the voter may make a cross mark (X); but any other form of ballot containing adequate information and properly stating the question to be voted upon shall be construed as being in compliance with this Act. Such election shall be held in the same method and manner and under the same rules and regulations of law as elections held under Article 9 of Chapter 153 of the General Statutes, the same being an Article of the County Finance Act, as amended, and said election may be held at any time fixed by the Board of County Commissioners of Halifax County and regardless of whether the same is held one month before or after, or any other period of time before or after, any regular election for county officers or any other general or special election. It shall not be necessary to order a new registration for the purpose of this election unless the Board of County Commissioners in its discretion shall desire to do so, and said Board of County Commissioners of Halifax County may designate judges, registrars and other election officers for general election purposes to hold and conduct said election but in accordance with the provisions of Article 9 of Chapter 153 of the General Statutes, as amended, the Board of County Commissioners of Halifax County may use the registration books and other election records available in the five precincts of the four townships above-named for the purposes of said election. The tax levy herein provided for shall not be effective unless approved by a majority of those who shall vote in such election for such purposes.

Sec. 2. The tax, taxes or tax levy authorized under Section 1 of this Act shall be in addition to the twenty cents (20¢) levied, authorized, by the Constitution for general purposes in addition to all other taxes levied in said four townships and in addition to all other levies limited by the

Constitution. The tax, taxes and tax levy authorized hereunder are hereby declared necessary and to be for a special and necessary public purpose and for the special purpose of maintaining, equipping and operating said hospital as set forth in Section 1 of this Act.

Sec. 3. If said tax levy, as herein authorized, is approved in said election, then the same shall be levied and collected by the Board of County Commissioners of Halifax County in the same manner and method as all other county taxes and the same shall be set aside in a special account and in a special fund for the use and benefit of said hospital, as provided in this Act. The said tax funds shall be disbursed by the Board of Commissioners of Halifax County upon application made by the governing authority of "Our Community Hospital, Incorporated", or its duly authorized administrator, the treasurer, or other proper fiscal agent. The said fund shall be paid out according to the regular fiscal control system of the county and according to vouchers countersigned by the county auditor, but the decision of the governing authority of "Our Community Hospital, Incorporated", or its administrator or other managing agent shall be final as to the objectives and purposes for which said funds shall be used and the amounts needed for such purposes, and said payments may be made at any time during regular office hours whether the Board of Commissioners shall be in session or not.

Sec. 4. The powers granted by this Act shall be in addition to, supplementary, and not as a substitute for, existing powers of said Halifax County to levy taxes to finance the cost of operation, equipment and maintenance of any hospital facilities or any nonprofit, charitable hospital.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

S. B. 71 CHAPTER 362

AN ACT TO AMEND CHAPTER 96, GENERAL STATUTES OF NORTH CAROLINA, AS AMENDED, KNOWN AS THE EMPLOYMENT SECURITY LAW, TO PROVIDE FOR THE PAYMENT OF EXTENDED BENEFITS UNDER CERTAIN EMERGENCY CONDITIONS; TO DEFINE AGRICULTURAL LABOR AND PARTIAL WEEKLY BENEFIT; TO INCLUDE AS A PART OF THE UNEMPLOYMENT TRUST FUND OF THIS STATE CERTAIN MONEYS BEING RECEIVED UNDER THE PROVISIONS OF THE REED ACT UNDER TITLE IX OF THE SOCIAL SECURITY ACT, AS AMENDED; AND TO FURTHER CLARIFY CERTAIN PROVISIONS OF SAID CHAPTER.

The General Assembly of North Carolina do enact:

Section 1. That Article I, Chapter 96, Section 96-6 (a), General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C

thereof, be and the same is hereby amended by adding a new subdivision, numbered (5), immediately preceding the last sentence in subsection (a) to read as follows:

"(5) All moneys credited to this State's account in the Unemployment Trust Fund pursuant to Section 903 of Title IX of the Social Security Act, as amended, (U. S. C. A. Title 42, Sec. 1103 (a))."

Sec. 2. That Article 2, Chapter 96, Section 96-8 (1), General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by striking out subdivision (1) in its entirety and that the remaining subdivisions, numbered (2) through (22), be renumbered in conformance therewith.

Sec. 3. That Article 2, Chapter 96, Section 96-8 (6) g, General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by striking out in line 5 thereof the word "eight" following the word "employment" in line 4 and inserting in lieu thereof the following: "four".

Sec. 4. That Article 2, Chapter 96, Section 96-8 (7) g 4, General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by rewriting subparagraph 4 to read as follows:

"4. Agricultural Labor. For purposes of this Chapter, the term 'agricultural labor' includes all services performed: (i) on a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife; (ii) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm; (iii) in connection with the production or harvesting of maple sirup or maple sugar or any commodity defined as an agricultural commodity in Section 15 (g) of the Agricultural Marketing Act, as amended, (46 Stat. 1550, Sec. 3, 12 U. S. C. 1141j), or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes; or (iiii) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this subparagraph shall not be deemed to be applicable with respect to service performed in connection

with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

"As used in this subparagraph, the term 'farm' includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards;".

Sec. 5. That Article 2, Chapter 96, Section 96-8 (7) g 9, General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and same is hereby amended by adding after the semicolon in line six thereof the following: "and service performed on and after January 1, 1959, by an individual during any calendar quarter for an employing unit or an employer as an insurance agent or as an insurance solicitor, or as a securities salesman, if all such service performed during such calendar quarter by such individual for such employing unit or employer is performed for remuneration solely by way of Commission;".

Sec. 6. That Article 2, Chapter 96, Section 96-8 (11) b and c, General Statutes of North Carolina as such appear in the 1958 Replacement Volume 2C thereof, be and the same are hereby amended by rewriting paragraphs b and c as follows:

"b. An individual shall be deemed 'partially unemployed' in any week in which, because of lack of work, he worked less than sixty per cent (60%) of the customary scheduled full-time hours of the industry or plant in which he is employed, and with respect to which the wages payable to him are less than his weekly benefit amount plus a sum equal to one-third of his weekly benefit amount figured to the nearest multiple of one dollar ($1.00) or ten dollars ($10.00), whichever is the lesser. Provided, however, that the Commission may find the customary scheduled full-time hours of any individual to be less or more than the customary scheduled full-time hours of the industry or plant in which he is employed, if such individual customarily performs services in an occupation which requires that he customarily work a greater or smaller number of hours than the customary scheduled full-time hours of the industry or plant in which he is employed.

"c. An individual shall be deemed 'part totally unemployed' in any week in which his earnings from odd job or subsidiary work are less than his weekly benefit amount plus a sum equal to one-third of his weekly benefit amount figured to the nearest multiple of one dollar ($1.00) or ten dollars ($10.00), whichever is the lesser."

Sec. 7. That Article 2, Chapter 96, Section 96-9 (b) (3) f, General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by striking out the first sentence of paragraph f and inserting in lieu thereof the following:

"If, within the calendar month in which the computation date occurs, the Commission finds that any employing unit has failed to file any report required in connection therewith or has filed a report which the Commission finds incorrect or insufficient, the Commission shall make an estimate of the

information required from such employing unit on the basis of the best evidence reasonably available to it at the time and shall notify the employing unit thereof by registered mail addressed to its last known address."

Sec. 8. That Article 2, Chapter 96, Section 96-9 (c) (2) a, General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by rewriting paragraph a of subdivision (2) to read as follows:

"(2) Charging of Benefit Payments. a. Benefits paid shall be charged against the account of each base period employer on wages paid to an eligible individual in any quarter prior to April 1, 1959, in the base period as provided by this Chapter prior to April 1, 1959. Benefits paid shall be charged against the account of each base period employer in the proportion that the base period wages paid to an eligible individual in any calendar quarter subsequent to March 31, 1959, by each such employer bears to the total wages paid by all base period employers during the base period, except as provided in paragraph b of this subdivision. Benefits paid on and after August 1, 1952, shall be charged to employers' accounts upon the basis of benefits paid to claimants whose maximum total benefits have been exhausted or whose benefit years have expired during each twelve-months' period ending on the July 31 preceding the computation date."

Sec. 9. That Article 2, Chapter 96, Section 96-10 (c), General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by striking out the last line of subsection (c) following the word "sixty-four" in line 11 thereof and inserting in lieu thereof the following:

"(a) of that Act (U. S. C., Title 11, Section 104 (a)), as amended."

Sec. 10. That Article 2, Chapter 96, Section 96-11 (b), General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by striking out the colon following the word "unit" in line 21 of said subsection (b) and by rewriting the proviso beginning in line 21 of said subsection, which begins with the words "Provided, however," and ends with the word "week" in line 30 of said subsection, to read as follows:

"Provided, however, that any employer whose liability covers a period of more than two years when first discovered by the Commission, upon filing a written application for termination of coverage within 90 days after notification of his liability by the Commission, may be terminated as an employer effective January 1 of any calendar year before the year 1957, if the Commission finds that there were no 20 different weeks within the preceding calendar year (whether or not such weeks are or were consecutive) within which said employing unit employed eight or more individuals in employment (not necessarily simultaneously and irrespective of whether the same individuals were employed in each such week). With respect to the calendar year 1957, such employer may be terminated as an employer effective January 1, and for any subsequent year if the Commission finds that there were no 20 different weeks within the preceding calendar year (whether or not such weeks are or were consecutive) within which said employing unit employed four or more individuals in employ-

ment (not necessarily simultaneously and irrespective of whether the same individuals were employed in each such week)."

Sec. 11. That Article 2, Chapter 96, Section 96-11 (d), General Statutes of North Carolina, as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by adding thereto the following:

"An employer who has not had any individuals in employment under conditions which would make such employer eligible for exemption from filing contribution and wage reports required under this Chapter, or an employer who has been exempted from filing such reports may be terminated from liability upon written application within 90 days after notification of the reactivation of his account. Such termination shall be effective January 1 of any calendar year only if the Commission finds there were no 20 different weeks within the preceding calendar year, whether or not such weeks are or were consecutive, within which said employer employed four or more individuals in employment (eight or more prior to January 1, 1956) not necessarily simultaneously and irrespective of whether the same individuals were employed in each such week. In such cases a protest of liability shall be considered as an application for termination within the meaning of this provision where the decision with respect to such protest has not become final."

Sec. 12. That Article 2, Chapter 96, Section 96-12 (b), General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by striking out subdivision (1) thereof, which begins as follows: "(1) Each eligible individual whose benefit year begins on and after March 22, 1951," and which ends with the figure "30.00" under "Column II Weekly Benefit Amount"; and that subsection (b) be further amended by striking out the figure "(2)" contained in parenthesis preceding the word "Each" in subdivision (2) of said subsection.

Sec. 13. That Article 2, Chapter 96, Section 96-12 (c), General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by rewriting subsection (c) to read as follows:

"(c) Partial Weekly Benefit. Each eligible individual who is either partially unemployed or part totally unemployed (as defined in Sections 96-8 (11) b and 96-8 (11) c) in any week shall be paid with respect to such week a partial benefit. Such partial benefit shall be an amount figured to the nearest multiple of one dollar ($1.00) which is equal to the difference between his weekly benefit amount and that part of the remuneration payable to him with respect to such week which is in excess of a sum equal to one-third of his weekly benefit amount figured to the nearest multiple of one dollar ($1.00) or ten dollars ($10.00), whichever is the lesser."

Sec. 14. That Article 2, Chapter 96, Section 96-12 (d), General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by striking out the period at the end of the first sentence, which follows the word "year", and inserting in lieu thereof:

", except as such benefits may be further extended by Section 96-12 (e) of this Chapter."

Sec. 15. That Article 2, Chapter 96, Section 96-12, General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by adding to said Section the following subsection:

"(e) (1) Extension of Benefits. 'Extended benefits' shall be paid under this Act as hereinafter specified.

"(2) Payment of Extended Benefits. At any time when the 'extended benefit ratio' for any three calendar weeks, in a consecutive four-calendar-week period, averages as much as nine per centum (9%), upon certification of such fact and recommendation of the Commission and authorization of the Governor of this State, 'extended benefits' shall be paid under the provisions of this Act.

"Any 'eligible exhaustee' shall be paid a 'weekly benefit amount' pursuant to the provisions of this Act for any week of total or partial unemployment beginning in the existing benefit year of such 'eligible exhaustee' and which also begins within the 'extended benefit period' subsequent to the 'effective date of the extended benefit ratio.' 'Extended benefits' to any 'eligible exhaustee' shall be limited to an amount not to exceed eight times his 'weekly benefit amount.' Such 'eligible exhaustee' must have met the conditions of eligibility contained in Section 96-13, General Statutes, and shall not be paid 'extended benefits' during any period of disqualification imposed under Section 96-14, General Statutes; provided, that such 'eligible exhaustee' shall be subject to all the other provisions of Chapter 96 of the General Statutes not inconsistent with the provisions of this Act.

"(3) Eligible Exhaustee. 'Eligible exhaustee' under this Act means any individual who has an existing benefit year in progress as such is defined in General Statutes 96-8 (18) and who has exhausted all other benefit rights under the provisions of this Chapter during an 'extended benefit period' as defined in this Act and who does not have any unemployment insurance benefit rights which may be exercised under the laws of any state or the Federal Government; provided, that any 'eligible exhaustee' who has not received the maximum amount of 'extended benefits' under this Act in any specified 'extended benefit period' within his existing benefit year shall, if otherwise eligible under these provisions, be paid such remaining 'extended benefits' for weeks of unemployment beginning within his existing benefit year and which may begin during an ensuing 'extended benefit period' after the 'effective date of the extended benefit ratio' in such 'extended benefit period.'

"(4) Extended Benefit Period. 'Extended benefit period' means the month in which the 'effective date of the extended benefit ratio' becomes effective together with the three-calendar-month period immediately preceding such effective date and the three-calendar-month period immediately following the month in which such 'extended benefit ratio' became effective, being a period of seven-consecutive-calendar months. An 'extended benefit period,' as herein provided, shall be established on each occasion upon

which the 'extended benefit ratio' becomes effective under the provisions of this Act, notwithstanding that at such time an 'extended benefit period' may be in progress.

"(5) Extended Benefit Ratio. 'Extended benefit ratio' is the quotient obtained by dividing the number of insured workers filing for unemployment insurance benefits by the number of all insured workers. It shall be computed by dividing the number of weeks claimed (for purposes of Section 96-15 (a), General Statutes) in the current calendar week by the monthly average (as published in North Carolina Employment and Wages released by the Employment Security Commission of North Carolina) of individuals in insured employment under this Chapter during the immediately preceding calendar year, if the ratio being computed is for a calendar week beginning between August 1 and December 31, inclusive; or if the ratio is being computed for a week beginning between January 1 and July 31, inclusive, the next to the last calendar year average monthly insured employment shall be used.

"(6) Effective Date of Extended Benefit Ratio. 'Effective date of extended benefit ratio' means the first day of the week immediately following any consecutive four-calendar-week period during which for any three calendar weeks therein, such ratio averages as much as nine per centum (9%).

"(7) Extended Benefits. 'Extended benefits' means the money payments payable to 'eligible exhaustees' under the provisions of this Act and are an extension of and not in lieu of benefits otherwise provided by this Chapter and are benefits as defined in Section 96-8 (2), General Statutes, for all the purposes of this Chapter not inconsistent with the provisions of this Act.

"(8) Weekly Benefit Amount. The 'weekly benefit amount' payable to an 'eligible exhaustee' under this Act shall be the same as his weekly benefit amount payable during his existing benefit year as provided in Section 96-12, General Statutes.

"(9) A seasonal worker who has exhausted nonseasonal benefits and who has met all the other requirements of an 'eligible exhaustee,' except that he has future benefit rights not yet available which must be exercised by such worker during a future seasonal period under the provisions of Section 96-16, General Statutes, shall be considered as having exhausted all benefit rights under the provisions of this Act until such time as such future benefit rights become available to him; and any extended benefits so paid shall be treated as other benefit payments under this Chapter, notwithstanding the provisions of Section 96-16, General Statutes."

Sec. 16. That Article 2, Chapter 96, Section 96-15 (h), General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by inserting in line four of subsection (h) after the word "has" and before the word "exhausted" the following:

"filed notice of appeal with the Commission within such ten-day period and".

Sec. 17. That Article 2, Chapter 96, Section 96-15 (i), General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by inserting in line three of subsection (i) after the word "thereby" and before the word "may" the following:

"who has filed notice of appeal within the ten-day period as provided by Section 96-15 (h)".

Sec. 18. That Article 2, Chapter 96, Section 96-16 (g) (1) and (2), General Statutes of North Carolina as such appear in the 1958 Replacement Volume 2C thereof, be and the same are hereby amended by striking out the word "reserve" wherever such appears in each of subdivisions (1) and (2).

Sec. 19. That Article 2, Chapter 96, Section 96-18 (f), General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by rewriting subsection (f) to read as follows:

"(f) Any individual who makes a voluntary confession of guilt or is convicted in a court of competent jurisdiction of larceny or embezzlement in connection with his employment shall not be entitled to receive any benefits based on the wages earned by such individual prior to and including the quarter in which such act occurred; provided, the provisions of this subsection shall not be effective as to any benefits accrued or paid under any claim filed by such individual prior to the date this act occurred."

Sec. 20. That Article 2, Chapter 96, Section 96-18, General Statutes of North Carolina as such appears in the 1958 Replacement Volume 2C thereof, be and the same is hereby amended by adding to said Section the following:

"(g) Any individual who has received any sum as benefits to which he was not entitled, such sum having been paid to him as the result of error on the part of any representative of the Commission, shall be liable to have such sum deducted from any future benefits payable to him under this Chapter, or shall be liable to repay to the Commission for the Unemployment Insurance Fund a sum equal to the amount so received by him, and such sum shall be collectible in the manner provided in Section 96-10 (b) for the collection of past due contributions; provided, this 'Chapter' and 'Unemployment Insurance Fund' shall also be deemed to mean the Employment Security Law and the Unemployment Insurance Fund of any other state or the Federal Government, or a foreign government for the purposes of this subsection, when an interstate claim is involved."

Sec. 21. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 22. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

S. B. 144 **CHAPTER 363**

AN ACT TO PROVIDE THAT SHARES OF BUILDING AND LOAN ASSOCIATIONS AND FEDERAL SAVINGS AND LOAN ASSOCIATIONS MAY BE ACCEPTED BY ANY AGENCY, DEPARTMENT, OR OFFICIAL OF THE STATE OF NORTH CAROLINA THAT REQUIRES THAT SECURITIES BE DEPOSITED WITH SUCH AGENCY, DEPARTMENT, OR OFFICIAL.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any restrictions or limitations contained in any law of this State, shares of any building and loan association organized under the laws of this State or of any Federal Savings and Loan Association having its principal office in this State may be accepted by any agency, department, or official of the State of North Carolina in any case wherein such agency, department or official acting in its or his official capacity requires that securities be deposited with such agency, department or official.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

S. B. 157 **CHAPTER 364**

AN ACT TO AMEND G. S. 53-45 SO AS TO AUTHORIZE BANKS TO INVEST IN CERTAIN OBLIGATIONS OF FEDERAL HOME LOAN BANKS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 53-45 is hereby amended by repealing subsection (1) thereof and substituting in lieu thereof the following:

"Sec. 53-45. Bank, Fiduciaries, Etc., Authorized To Invest In Mortgages Of Federal Housing Administration, Etc. (1) Insured Mortgages and Obligations of National Mortgage Associations and Federal Home Loan Banks. It shall be lawful for all commercial and industrial banks, trust companies, building and loan associations, insurance companies, and other financial institutions engaged in business in this State, and for guardians, executors, administrators, trustees or others acting in a fiduciary capacity in this State to invest, to the same extent that such funds may be invested in interest-bearing obligations of the United States, their funds or the moneys in their custody or possession which are eligible for investment, in bonds or notes secured by a mortgage or deed of trust insured by the Federal Housing Administrator, in mortgages on real estate which have been accepted for insurance by the Federal Housing Administrator, and in obligations of National mortgage associations, *or bonds, debentures, consolidated bonds or other obligations of any Federal home loan bank or banks.*"

(New matter italicized)

Sec. 2. G. S. 36-1 is amended by repealing said Section and substituting in lieu thereof the following:

"Sec. 36-1. Certain Investments Deemed Cash. Guardians, executors, administrators, and others acting in a fiduciary capacity, having surplus funds of their wards, estates and cestuis que trustent to loan, may invest in United States bonds, or any securities for which the United States are responsible, farm loan bonds issued by Federal land banks, *bonds, debentures, consolidated bonds or other obligations of any Federal home loan bank or banks,* or in bonds of the State of North Carolina issued since the year one thousand eight hundred and seventy-two; or in drainage bonds duly issued under the provisions of Article 8 of Chapter entitled Drainage; and in settlements by guardians, executors, administrators, trustees, and others acting in a fiduciary capacity, such bonds or other securities of the United States, and such bonds of the State of North Carolina, and such drainage bonds, shall be deemed cash to the amount actually paid for same, including the premium, if any, paid for such bonds or other securities, and may be paid as such by the transfer thereof to the persons entitled."

(New matter italicized)

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

S. B. 159 CHAPTER 365

AN ACT TO PERMIT INDUSTRIAL BANKS TO MAKE THE SAME CHARGES IN CONNECTION WITH A SINGLE PAYMENT LOAN THAT ARE ALLOWED IN CONNECTION WITH LOANS REPAYABLE IN TWO OR MORE INSTALLMENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 53-141 is hereby amended by deleting in line 2 of paragraph 3 thereof as the same appears in Volume 2B of the General Statutes of North Carolina, edition of 1950, the word "installment". The fees provided for in this paragraph may be charged by any bank irrespective of whether a loan is an installment loan or not.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

S. B. 163 **CHAPTER 366**

AN ACT TO AMEND G. S. 54-21.2 RELATING TO INVESTMENTS BY BUILDING AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Section 1. Section 54-21.2 of the General Statutes of North Carolina is hereby repealed and the following substituted therefor:

"Sec. 54-21.2. Investments. (a) Any Building and Loan Association or Savings and Loan Association incorporated under the laws of this State is authorized to invest any funds on hand, in excess of the demands of its shareholders, in bonds or evidences of indebtedness of the United States Government, or guaranteed by it; in bonds or other evidences of indebtedness of the State of North Carolina; in demand or time deposits with such bank or banks as may be approved by a majority of the board of directors; in stock of a Federal Home Loan Bank of which it is a member and in any obligations or consolidated obligations of any Federal Home Loan Bank or Banks; in stock or obligations of the Federal Savings and Loan Insurance Corporation; in stock or obligations of the National Mortgage Association or any successor or successors thereto; in savings accounts of any association operating under the provisions of this Act, or in savings accounts of any Federal Savings and Loan Association having its principal office within the State, subject to the maximum amounts insured by any Federal agency.

(b) Subject to such regulations and limitations as the Commissioner of Insurance may prescribe, any such association is authorized and permitted to make any loan or investment now or hereafter permitted to be made by any Federal Savings and Loan Association whose home office is located in this State."

Sec. 2. The rights and powers granted to associations by this Act shall be deemed supplementary to and not in substitution for any rights and powers heretofore or hereafter granted such associations in their charters or by the laws of this State.

Sec. 3. If any provision of this Act is held invalid, the validity of the remainder of the Act shall not be affected thereby.

Sec. 4. All laws and clauses of laws, except as provided in Section 2 hereof, in conflict with this Act shall be repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

S. B. 166 **CHAPTER 367**

AN ACT TO AMEND G. S. 54-20 RELATING TO LOANS BY BUILDING AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of G. S. 54-20 is amended by striking out in line six the word "twenty" and inserting in lieu thereof the words "twenty-five"

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 255 CHAPTER 368

AN ACT TO AUTHORIZE THE COMMISSIONER OF REVENUE TO RELEASE THE LIEN OF STATE TAX JUDGMENTS UPON REAL PROPERTY UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-242 as same appears in the 1958 Replacement Volume 2C is hereby amended by adding at the end of subsection (c) a new paragraph to read as follows:

"If the Commissioner of Revenue shall find that it will be for the best interest of the State in that it will probably facilitate, expedite or enhance the State's chances for ultimately collecting a tax due the State, he may authorize a deputy or agent to release the lien of a State tax judgment or certificate of tax liability upon a specified parcel or parcels of real estate by noting such release upon the judgment docket where such certificate of tax liablility is recorded. Such release shall be signed by the deputy or agent and witnessed by the Clerk of Court or his deputy or assistant and shall be in substantially the following form: 'The lien of this judgment upon (insert here a short description of the property to be released sufficient to identify it, such as a reference to a particular tract described in a recorded instrument) is hereby released, but this judgment shall continue in full force and effect as to other real property to which it has heretofore attached or may hereafter attach. This ..... day of ....., 19.....

.....

DEPUTY COLLECTOR N. C. DEPARTMENT OF REVENUE

WITNESS:

.....C. S. C.'

The release shall be noted on the judgment docket only upon conditions prescribed by the Commissioner and shall have effect only as to the real estate described therein and shall not affect any other rights of the State under said judgment."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 301 **CHAPTER 369**

AN ACT TO AMEND G. S. 158-2 RELATING TO THE APPROVAL OF VOTERS FOR MONEY APPROPRIATIONS BY LOCAL GOVERNMENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 158-2, as the same appears in volume 3C of the General Statutes, is hereby amended by striking out the words "the qualified voters of" immediately following the word "of" in line three and immediately preceding the word "such" in line four of said Section, and substituting in lieu thereof the words "those voting in".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 338 **CHAPTER 370**

AN ACT TO PROVIDE FOR A REQUIRED ACCOUNTING BY STATE HIGHWAY PATROLMEN FOR SUBSISTENCE ALLOWANCES SO AS TO BRING SUCH ACCOUNTING WITHIN THE PURVIEW OF SECTION 1.162-17 (b) OF THE REGULATIONS OF THE INTERNAL REVENUE SERVICE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-185 (g), 1957 Supplement to the General Statutes, is amended to read as follows:

"(g) In addition to the salary now established or that may hereafter be established for officers and members of the uniformed State Highway Patrol, each officer and member of the uniformed State Highway Patrol shall be paid the sum of forty dollars ($40.00) per month, payable monthly as a subsistence allowance for the following specific business expenses incurred in connection with the performance of his official duties and on behalf of his employer, the State Highway Patrol of North Carolina:

(1) Additional and excess liability insurance premium over and above the normal cost thereof, resulting directly from employment as an officer or member of the State Highway Patrol;

(2) Required standard monthly telephone expense, calculated at one-half the basic monthly subscription rate and not including long-distance telephone expenses;

(3) Cost of meals obtained away from home in assigned territory (which are therefore not reimbursable under the provisions of the regular State travel allowance statutes) while on other than routine patrol and including, but not limited to court appearances, emergency investigations, and special assignments and duties;

(4) Cost of practice ammunition expended in order to meet the proficiency standards required by the employer;

(5) Expenses incurred in highway safety promotion and education. Each officer and member of the State Highway Patrol shall submit a monthly statement to the Commanding Officer of the State Highway Patrol, showing the business nature and the amount of his expenses for the items set out in this subsection. Such statement shall be made on a form prescribed and furnished by the State Highway Patrol, with such form to contain in substance such categories as transporation, meals and lodging, and other business expenses.

"This monthly subsistence allowance is intended as reimbusement for only the business-incurred expenses above referred to and is not intended as reimbursement for necessary business-incurred expense of uniform maintenance and repair. The subsistence provided for in this Act shall be in addition to all allowances for subsistence and travel expenses which are otherwise provided by law."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 359 CHAPTER 371

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WATAUGA COUNTY TO FIX THE SALARIES OF THE SHERIFF AND DEPUTY SHERIFFS AND TO AMEND G. S. 162-7 RELATING TO FEES TO BE CHARGED BY THE SHERIFF IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Watauga County is hereby authorized to increase the salary of the Sheriff of Watauga County from thirty-six hundred dollars ($3600.00) to forty-five hundred dollars ($4500.00) per annum, payable in twelve equal monthly installments from the general fund of the county. This salary shall be in addition to fees and commissions which are now or may hereafter be allowed by law.

Sec. 2. The Board of County Commissioners of Watauga County is hereby authorized to appropriate annually from the general fund of the county the sum of three thousand dollars ($3,000.00) for the employment of a chief deputy sheriff and eighteen hundred dollars ($1800.00) for the employment of an additional deputy sheriff to be selected and commissioned by the Sheriff of Watauga County.

Sec. 3. G. S. 162-7, as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by adding at the end thereof the following:

"Watauga. The Sheriff of Watauga County is authorized to charge the following fees:

For serving claim and delivery proceedings, each defendant ..$3.00
For serving summons, each defendant 2.00
For serving warrant, each defendant 2.50
For serving execution 2.00
For serving subpoenas, each 1.00
For serving capias, each person 2.50
For serving attachment proceedings, each defendant 4.00
For serving ejectment proceedings, each defendant 3.00
For serving order, each defendant 2.00
For making arrest 2.50
For summoning juror, each ..... .60
For posting notices ..... .60
For taking bond 1.00
For laying off homestead 5.00
Commission allowed under execution, 5% of the amount
For serving sci fa, each person 2.00
For serving notice 2.00
For summoning appraisers to allot homestead or personal property exemption 5.00
For serving warrant for search and seizure of intoxicating liquors 4.00
For serving search warrant for stolen property 4.00

The said fees to be charged by the Sheriff of Watauga County shall be collected and retained by the sheriff's department."

Sec. 4. Section 1 of Chapter 39, Session Laws of 1951, Chapter 224, Session Laws of 1955, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 361 CHAPTER 372

AN ACT TO AMEND G. S. 152-5 IN RESPECT TO CORONERS FEES IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 152-5, as amended, is hereby further amended by adding at the end thereof the following:

"Fees of Coroners in Richmond County shall be as follows:

(1) For each investigation of death or deaths, sixteen dollars ($16.00), and for each additional day necessarily devoted to such investigation, an additional eleven dollars ($11.00).

(2) For each inquest, twenty-one dollars ($21.00).

(3) For each autopsy, before interment, twenty-six dollars ($26.00), and for autopsy after interment, fifty-two dollars ($52.00), which shall cover cost of exhuming of body, the autopsy and reinterment, provided

that where the services of a physician other than the coroner are required the court ordering such autopsy shall fix the fees to be paid such physician in addition to the fees herein provided.

(4) For summoning and empaneling coroner's jury, five dollars ($5.00).

(5) For necessary travel in making investigation, ten cents (10¢) per mile for automobile and when hearse is required, thirty-five cents (35¢) per mile."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 412 CHAPTER 373

AN ACT TO AMEND G. S. 105-422 RELATING TO THE BARRING OF TAX LIENS IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-422, 1958 Replacement Volume 2C, is amended by adding at the end thereof the following:

"No action shall be maintained to enforce any remedy provided by law for the collection of taxes or enforcement of any tax liens held by Burke County whether such taxes or tax liens are evidenced by the original tax books or tax sales certificates or otherwise unless such action shall be instituted with ten (10) years from the time such taxes become due."

The last proviso of said Section is further amended by striking out in line 2 of said proviso the word "Burke" and substituting in lieu thereof the words "municipalities in Burke County,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after January 1, 1961.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 426 CHAPTER 374

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF DAVIDSON COUNTY TO FIX THE FEES TO BE CHARGED BY THE RIGISTER OF DEEDS OF DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Davidson County are hereby authorized to determine and by appropriate resolution to fix the fees to be charged by the Register of Deeds of Davidson County from time to time as in the discretion of the board may be necessary and proper. Until the board takes such action as hereinabove provided, fees to be charged by the register of deeds shall continue to be charged as is now provided by law.

Sec. 2. This Act shall apply only to Davidson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 434 CHAPTER 375

AN ACT TO AMEND CHAPTER 666 OF THE SESSION LAWS OF 1951, RELATING TO THE COMPENSATION OF THE MAYOR OF THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 666 of the Session Laws of 1951 is amended by striking out in line 1 the words and figures "April 1, 1951" and inserting in lieu thereof the words and figures "May 1, 1959". Said Section is further amended by striking out in lines 2 and 3 the words and figures "twenty-four hundred dollars ($2400.00)" and inserting in lieu thereof the words and figures "forty-eight hundred dollars ($4800.00)". Said Section is further amended by striking out the last sentence thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 435 CHAPTER 376

AN ACT TO AMEND G. S. 153-9, RELATING TO FEES OF COUNTY OFFICERS IN MONTGOMERY COUNTY, AND G. S. 153-48.3, RELATING TO SALARIES OF COUNTY OFFICERS IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The next to the last sentence of the first paragraph of subsection 12a of G. S. 153-9, as the same appears in the 1957 Supplement to the General Statutes, shall not apply to Montgomery County.

Sec. 2. Subsection (d) of G. S. 153-48.3, as the same appears in the 1957 Supplement to the General Statutes, shall not apply to Montgomery County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 461 **CHAPTER 377**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF KERNERSVILLE WITH RESPECT TO THE COMPENSATION OF THE MEMBERS OF THE GOVERNING BODY THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Each member of the Board of Aldermen of the Town of Kernersville shall be paid by the town for his services as a member of the board a salary of fifteen dollars ($15.00) per month, payable monthly.

Sec. 2. The Mayor of the Town of Kernersville shall be paid such monthly compensation as the board of aldermen may fix.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 467 **CHAPTER 378**

AN ACT TO PROVIDE FOR THE REORGANIZATION OF THE MECKLENBURG COUNTY BOARD OF EDUCATION, THE NOMINATION AND ELECTION OF ITS MEMBERS, TO DEFINE IN PART THEIR POWERS AND AUTHORITY AND TO REPEAL SECTION 55 OF CHAPTER 366, PUBLIC-LOCAL LAWS OF 1939, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. The purposes of this Act, among others, are to continue the existence of the Mecklenburg County Board of Education and to provide for the merger of the Charlotte City Board of Education into said Mecklenburg County Board of Education.

Sec. 2. Those persons who on the first day of July, 1960, shall be the duly qualified and acting members of the Mecklenburg County Board of Education and of the Charlotte City Board of Education shall, effective on said date, constitute the Mecklenburg County Board of Education.

Sec. 3. Each of said persons shall serve as a member of said board of education for a term ending on the first Monday in December next preceding the expiration date of the term to which he shall have been elected or appointed to the Mecklenburg County Board of Education or to the Charlotte City Board of Education prior to the first day of July, 1960.

Sec. 4. The membership of said county board of education shall be reduced by one member on the first Monday in December in each of the years 1960, 1962 and 1964; and from and after the first Monday in December, 1964, the Mecklenburg County Board of Education shall be composed of nine members.

Sec. 5. At the time of the primaries for nomination of State officers in 1960, and biennially thereafter, three persons shall be elected to the Mecklenburg County Board of Education as reorganized. The names of

the candidates shall be placed on a separate ballot bearing no party designation and no party affiliation need be indicated at the time of filing. Candidates shall file by 6:00 P. M. on or before the sixth Saturday before the date on which the election is to be held and each candidate shall pay a filing fee of five dollars ($5.00). The persons elected shall qualify by taking the oath of office on the first Monday in December next succeeding their election and shall hold office for a term of six years and until their successors are elected and qualified.

Sec. 6. In the event of a vacancy occurring on the board other than by expiration of a term, the board shall select a replacement to serve until the first Monday in the December which follows the last day for filing for the next regular biennial election. At the next regular biennial election (the last filing date for which had not passed prior to the occurrence of the vacancy), a person shall be elected to fill the unexpired term.

Sec. 7. Election to the board shall be determined by a majority of the votes cast. If there should be more candidates than there are places to be filled, then the majority within the meaning of this Section shall be ascertained by dividing the total vote cast for all candidates by the number of places to be filled and then dividing by two. Any excess of the sum so ascertained shall be the majority within the meaning of this Section. If in ascertaining the result in this way it appears that more candidates have obtained this majority than there are places to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared elected. Where candidates do not receive a majority as defined and set out in this Section, those candidates equal in number to the places to be filled and having the highest number of votes shall be declared elected unless a second election shall be demanded, which may be done by anyone or all of the candidates equal in number to the places remaining to be filled and having the second highest number of votes. When any one or all of such candidates in the group receiving the second highest number of votes demand a second election (within the time allowed for demanding a second primary under the general law dealing with nomination of State officers), such second election shall be held and the names of all those candidates receiving the highest number of votes and all those in the group receiving the second highest number of votes and demanding a second election shall be put on the ballot for such second election. In no case shall there be a third election but the candidates receiving the highest number of votes in the second election shall be elected. In the event of a second election, it shall be held at the time that the second primary would be held under the general law dealing with nomination of State officers. When in any election, by reason of an unexpired term or terms, more than three members of the board are to be elected, those three persons receiving the highest number of votes in the election, or in the second election, if there should be a second election, shall be declared elected for full six year terms, and the person or persons receiving the next highest number of votes shall be declared elected to the unexpired term or terms, those receiving the highest number of votes being elected to the longer of the unexpired terms.

Sec. 8. For the fiscal year beginning July 1, 1960, the members of the Mecklenburg County Board of Education and the members of the Charlotte City Board of Education, acting jointly and by a majority vote of all members present, shall determine the amount and contents of the supplemental budget requested for the fiscal year beginning July 1, 1960, and shall give the Board of Commissioners of Mecklenburg County due notice thereof in time to include said tax with all other taxes to be levied by said board of county commissioners for the year 1960, and the said two boards of education, acting in like manner, shall prepare and submit to the said board of commissioners the capital outlay, debt service, and current expense budgets for the fiscal year 1960 within the time prescribed by law. The Board of Commissioners of Mecklenburg County may approve or disapprove the supplemental budget in whole or in part and shall levy such taxes as necessary to provide for the approved budget for supplemental purposes, not exceeding the amount of the tax levy authorized by the vote of the people. The expenditure of the proceeds of said levy shall be in accordance with the aforesaid supplemental budget as approved by the Board of Commissioners of Mecklenburg County. In the event of a disagreement between the Mecklenburg County Board of Education and the Charlotte City Board of Education acting jointly, on the one hand, and the Board of Commissioners of Mecklenburg County, on the other hand, as to the amount of the supplemental tax levy to be made, such disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina, Section 115-87 and Section 115-88.

Sec. 9. In 1961 and in each subsequent year, at the same time the other budgets are filed, the Mecklenburg County Board of Education shall file a supplemental budget and request that a sufficient levy be made by the Board of Commissioners of Mecklenburg County on all taxable property located within said county not to exceed the rate voted by the people in said county. The Board of Commissioners of Mecklenburg County may approve or disapprove the supplemental budget in whole or in part, and shall levy such taxes as necessary to provide for the approved budget for supplemental purposes, not exceeding the amount of the tax levy authorized by the vote of the people. The expenditure of the proceeds of said levy shall be in accordance with the aforesaid supplemental budget as approved by the Board of Commissioners of Mecklenburg County. In the event of a disagreement between the Mecklenburg County Board of Education and the Board of Commissioners of Mecklenburg County as to the amount of the supplemental tax levy to be made, such disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina, Section 115-87 and Section 115-88.

Sec. 10. The Mecklenburg County Board of Education, as reorganized, shall appoint a treasurer of all the school funds of the Mecklenburg County School Administrative Unit. The treasurer so appointed shall continue to fill such position at the will of the board of education. No persons authorized to make the expenditures or draw vouchers therefor, or to approve the same, shall act as treasurer of said funds. The treasurer shall give bond for the faithful performance of his duties in such amount as the

board of education may prescribe, but, in no event, for less than twenty-five thousand dollars ($25,000.00). Except as herein otherwise expressly provided, the treasurer shall perform the duties prescribed by applicable provisions of Chapter 115 of the General Statutes of North Carolina and shall be subject to all of such provisions of said Act. All sums appropriated by said board of commissioners for capital outlay, current expense and to supplement the current expense fund from State and county allotments shall be paid over to the Treasurer of the Mecklenburg County Board of Education at reasonable periods after the receipt of said funds by the Treasurer of Mecklenburg County; provided, however, that the board of county commissioners shall hold and administer the proceeds of school bond sales in accordance with the procedure now being followed in holding and administering the proceeds of such sales.

Sec. 11. Notwithstanding the provisions of Section 50 of Chapter 115 of the General Statutes, the monthly payroll therein provided for, as to each school, shall be signed by the principal of the school, and it shall not be required that committee chairmen sign the same.

Sec. 12. In addition to the election of a chairman in accordance with the provisions of Chapter 115 of the General Statutes, the board of education may also select one of its members as vice chairman who shall preside at all meetings of the board in the absence of the chairman, and whenever the board shall have duly authorized the execution of any contract, conveyance, or other instrument, the vice chairman shall have the same authority as the chairman to execute the same on behalf of the board. In the event of absence or inability of both the chairman and vice chairman, the board, by resolution duly adopted and spread upon the minutes of any meeting, may authorize any other member to execute any contract, conveyance or other instrument for and on behalf of the board.

Sec. 13. The superintendent of schools shall be ex officio secretary of the board as provided by G. S. 115-56. The board may elect an assistant secretary to serve at the pleasure of the board. The assistant secretary may be, but shall not be required to be, a member of the board. Such assistant secretary may perform the duties of the secretary of the board when the secretary is absent from any meeting or for any other reason is unable to perform his duties as secretary. The assistant secretary shall have authority to attest all contracts, conveyances, and other instruments which are required by law to be attested by the secretary. The secretary, or in his absence, the assistant secretary, shall keep the minutes of all meetings of the board and it shall be the duty of such secretary or assistant secretary to furnish each member of the board with a copy of the minutes as soon after any meeting as may be reasonably practicable.

Sec. 14. In addition to the election of a superintendent of schools in the manner provided by the general law, the board may employ such associate superintendents and assistant superintendents and such other administrative officers as it may deem necessary and proper, and prescribe their duties. They may be elected to serve at the pleasure of the board or for such terms as may be fixed by the board, but the terms of any associate superintendents or assistant superintendents shall not exceed the term for

which the superintendent is employed. Except as modified by other provisions of this Act, all principals and teachers shall be elected in the manner prescribed by the general law. The board may delegate to the superintendent of schools, or to one or more associate superintendents or assistant superintendents or to other administrative officers, authority to employ and prescribe the duties of all other employees or classes of employees, including janitors and maids, and to fix the compensation within such limits as the board may prescribe and to determine the terms or periods for which they shall be employed. The compensation of administrative officers of the board shall be fixed by the board. Out of any local supplement the board may pay to any employee or employees such compensation, in addition to compensation paid such employee or employees by the State, as it may deem proper.

Sec. 15. So long as the Mecklenburg County Board of Education shall consist of twelve members, the presence of seven members at any meeting shall constitute a quorum. During the period the board shall consist of eleven members and during the period said board shall consist of ten members, the presence of six members at any meeting shall constitute a quorum. When the membership of the board shall be reduced to nine, the presence of five members shall constitute a quorum.

Sec. 16. The Mecklenburg County Board of Education as reorganized may appoint school committees for some or all of the districts within the county in accordance with the provisions of the general law, but said board shall not be required to appoint school committees in all districts, and in any district within which no school committee is appointed, the board itself shall exercise those functions which are given to school committees under the general law.

Sec. 17. Title to all property of the Charlotte City Board of Education, both real and personal, of every kind and description, shall be vested in the Mecklenburg County Board of Education as of the 1st day of July, 1960. The Charlotte City Board of Education shall have full and ample authority prior to the 1st day of July, 1960, to execute all such deeds and other writings as may be deemed necessary to vest record title to any such property in the Mecklenburg County Board of Education.

Sec. 18. All claims and demands of every kind which the Charlotte City Board of Education may have as of the 1st day of July, 1960, shall pass and be transferred to the Mecklenburg County Board of Education and said county board of education shall have the same power and authority to enforce said claims and demands as said city board of education would have had in the event of its continuing existence. Any obligations or liabilities of the Charlotte City Board of Education existing as of the 1st day of July, 1960, shall be and become the obligations and liabilities of the Mecklenburg County Board of Education and such obligations and liabilities may be enforced against said Mecklenburg County Board of Education to the same extent that they might have been enforced against said city board of education had the city board continued in existence.

Sec. 19. All taxes collected by the City of Charlotte on account of school supplement levies made within said city prior to the year 1960 shall

be paid by the City Treasurer of Charlotte to the Treasurer of the Mecklenburg County Board of Education, and the Board of Commissioners of Mecklenburg County shall cause like payment to be made to the Treasurer of the Mecklenburg County Board of Education of taxes collected on account of school supplement levies made prior to the year 1960 within that part of the Charlotte Administrative School Unit lying outside of the City of Charlotte, and within the county school administrative unit on account of county school supplement levies within said unit prior to 1960.

Sec. 20. Effective on the 1st day of July, 1960, Section 55 and subsections 1 through 5 thereof, of Chapter 366, Public-Local Laws of 1939, the same being the charter provisions of the City of Charlotte for the public school system within the Charlotte Administrative School Unit, and all of Chapter 688 and Section 12 of Chapter 1073 of the Session Laws of 1957 are repealed.

Sec. 21. The provisions of this Act shall prevail over any inconsistent provisions of Chapter 115 of the General Statutes of North Carolina and other general or special Acts.

Sec. 22. The preceding Sections of this Act shall become operative only if, prior to June 1, 1960, all of the following conditions are met:

(1). An election is called and held in Mecklenburg County on a county-wide basis prior to January 1, 1960, on the question of providing a supplemental school tax not to exceed sixty cents (60¢) on the one hundred dollar ($100.00) valuation.

(2). A majority of the votes cast in the election favor said supplemental tax on a county-wide basis.

(3). The Charlotte City Board of Education petitions the Mecklenburg County Board of Education and the State Board of Education for consolidation of the Charlotte City Administrative School Unit and the Mecklenburg County Administrative School Unit under this Act and G. S. 115-74.

(4). The Mecklenburg County Board of Education approves said consolidation.

(5). The State Board of Education approves said consolidation.

The provisions of G. S. 115-116(g) and other provisions of Article 14, Chapter 115 of the General Statutes, dealing with elections and related matters, shall be applicable insofar as they are not inconsistent with the provisions of this Act.

Sec. 23. If any clause, sentence, paragraph or provision of this Act shall for any reason be adjudged by any court to be unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph or provision adjudged unconstitutional or invalid.

Sec. 24. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 469 **CHAPTER 379**

AN ACT AMENDING CHAPTER 306, SESSION LAWS OF 1951, RELATING TO THE BARRING OF TAX LIENS APPLICABLE TO WARREN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 306, Session Laws of 1951, be and the same is hereby amended by deleting the period at the end of Section 1, substituting a comma in lieu thereof, and adding the following words immediately after said comma: "provided this Act shall apply to actions pending on the 20th day of March, 1951, in which no final decrees had been entered."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 470 **CHAPTER 380**

AN ACT AMENDING CHAPTER 642, SESSION LAWS OF 1957, RELATING TO THE SALARY OF THE SHERIFF, THE REGISTER OF DEEDS, THE CLERK OF THE SUPERIOR COURT, AND THE ACCOUNTANT OF MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 642, Session Laws of 1957, be and the same is hereby rewritten to read as follows:

"Sec. 2. From and after the effectual date of this Act, the Sheriff of Macon County shall receive a salary of six thousand dollars ($6,000.00) per year, to be paid in equal monthly installments from the general fund of the county. In addition thereto the sheriff shall be entitled to a travel allowance of eighteen hundred dollars ($1800.00) per year, to be paid in equal monthly installments from the general fund of the county.

"The sheriff shall be entitled to appoint one full time deputy sheriff who shall receive a salary of thirty-three hundred dollars ($3300.00) per year, to be paid in equal monthly installments from the general fund of the county."

Sec. 2. That Section 3 of Chapter 642, Session Laws of 1957, be and the same is hereby rewritten to read as follows:

"Sec. 3. From and after the effectual date of this Act, the Register of Deeds of Macon County shall receive an annual salary of forty-five hundred dollars ($4500.00), to be paid in equal monthly installments from the general fund of the county. This salary shall include his services as clerk to the board of county commissioners. Upon the effectual date of this Act, the register of deeds shall be relieved of all responsibility as county accountant and tax supervisor.

"The register of deeds shall be entitled to one deputy or clerical assistant at a salary of twenty-four hundred dollars ($2400.00) per year, payable in equal monthly installments from the general fund of the county."

Sec. 3. That Section 4 of Chapter 642, Session Laws of 1957, be and the same is hereby rewritten to read as follows:

"Sec. 4. From and after the effectual date of this Act the Clerk of the Superior Court of Macon County shall receive an annual salary of forty-five hundred dollars ($4500.00), to be paid in equal monthly installments from the general fund of the county. This amount shall include compensation for services rendered as judge of the juvenile court.

"The Clerk of the Superior Court of said county shall be entitled to one deputy or assistant clerk at a salary of twenty-four hundred dollars ($2400.00) per year, to be paid in equal monthly installments from the general fund of the county."

Sec. 4. That Section 5 of Chapter 642, Session Laws of 1957, be and the same is hereby rewritten to read as follows:

"Sec. 5. From and after the effectual date of this Act, the Register of Deeds of Macon County shall be relieved of all responsibility as tax supervisor.

"As of the effectual date of this Act, it shall be the duty of the Board of Commissioners of Macon County to appoint some person of honesty and ability, who is experienced in modern methods of accounting, as county accountant, to hold such office at the will of the board. Such county accountant shall also perform the duties of a tax supervisor and tax collector of said county and shall receive a salary of forty-five hundred dollars ($4500.00) per year to be paid in equal monthly installments from the general fund of the county.

"The county accountant shall be entitled to appoint a deputy or assistant at an annual salary of three thousand dollars ($3000.00), to be paid in equal monthly installments from the general fund of the county.

Sec. 5. That Section 7 of Chapter 642, Session Laws of 1957, be and the same is hereby rewritten to read as follows:

"Sec. 7. From and after the effectual date of this Act, all fees collected by the various public officials mentioned in this Act shall be paid into the general fund of the county and none of the public officials referred to in this Act shall be entitled to any fees, commissions or other compensation whatsoever except that provided for in this Act."

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after the first day of April, 1959.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 473 **CHAPTER 381**

AN ACT TO ALLOW A DISCOUNT FOR PREPAYMENT OF AD VALOREM TAXES IN THE TOWN OF GIBSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. Hereafter the governing body of the Town of Gibsonville shall determine by resolution whether or not discounts for prepayments of ad valorem taxes shall be established and permitted in the Town of Gibsonville, and if so, during what periods and at what rates. Said resolution shall make provision only for the next fiscal year. The rate of discount shall not exceed two per cent (2%) of the taxes discounted.

Sec. 2. The said resolution to be effective must be adopted by a majority of the members of the governing body of the Town of Gibsonville at a meeting duly called and at which a quorum is present. The meeting provided for in this Section must be held not later than the 10th day of June of each year.

Sec. 3. There shall be no discounts allowed for the prepayment of ad valorem taxes due to the Town of Gibsonville unless authorized by resolution or resolutions herein provided for.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 474 **CHAPTER 382**

AN ACT TO AMEND CHAPTER 388 OF THE PUBLIC-LOCAL LAWS OF 1939, RELATING TO THE TIME AND PLACE FOR THE ADVERTISEMENT AND SALE OF LAND FOR TAXES IN THE TOWN OF GIBSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. Section 1 and Section 2 of Chapter 388, Public-Local and Private Laws of 1939, are rewritten to read as follows:

"Section 1. The Tax Collector of the Town of Gibsonville shall, not earlier than on the second Monday in August and not later than on the second Thursday in August of each year, advertise for four successive weeks all lands lying in the said Town of Gibsonville upon which taxes for the current year are unpaid; lands listed for taxes and lying in that part of the town located in Guilford County shall be advertised in some newspaper published in Guilford County, and lands listed for taxes and lying in that part of the town located in Alamance County shall be advertised in some newspaper published in Alamance County; except, that it shall suffice to advertise all such lands in one newspaper, provided that said newspaper is either published in the Town of Gibsonville or the publisher thereof maintains an office or place of business in the Town of Gibsonville.

"Sec. 2. The Tax Collector of the Town of Gibsonville shall, on the third Monday in September of each year offer for sale at the city hall door in the Town of Gibsonville all such lands which have been advertised, as set out above, and upon which the taxes shall remain unpaid."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act, including but not limited to that portion of Section 27 of Chapter 675 of the Session Laws of 1957 relating to Chapter 388 of the Public-Local and Private Laws of 1939, are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 489 CHAPTER 383

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF COMMISSIONERS OF HYDE COUNTY TO DEPOSIT IN OR TRANSFER TO THE GENERAL FUND OF THE COUNTY ALL COLLECTIONS OF DELINQUENT TAXES FOR THE YEARS PRIOR TO 1955.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Hyde County be and it is hereby authorized and directed to deposit in or transfer to the general fund of the county all collections of delinquent taxes for the years prior to 1955.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 500 CHAPTER 384

AN ACT FIXING THE COMPENSATION OF THE SHERIFF, THE CLERK OF SUPERIOR COURT, THE TAX COLLECTOR, THE REGISTER OF DEEDS, AND THE ACCOUNTANT OF MADISON COUNTY AND THEIR DEPUTIES AND ASSISTANTS.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 563, Session Laws of 1945, be and the same is, hereby rewritten to read as follows:

"Section 1. The Sheriff of Madison County shall receive as compensation for his services, in addition to the fees now allowed by law, the sum of thirty-nine hundred dollars ($3900.00) per annum, payable in equal monthly installments from the general fund of the county. In addition, said sheriff shall receive the travel allowance provided by Section 1, Chapter 762, Session Laws of 1955."

Sec. 2. The Sheriff of Madison County is hereby authorized to appoint a first deputy who shall receive a salary of two hundred five dollars ($205.00) per month, to be paid from the general fund of the county, in addition to any fees or compensation which the sheriff may allow him, and a second deputy at a salary of one hundred dollars ($100.00) per month to be paid from the general fund of the county in addition to any other fees or compensation which the sheriff may allow him. The janitor at the courthouse shall receive a salary of one hundred forty dollars ($140.00) per month to be paid from the general fund of the county.

Sec. 3. The Tax Collector of Madison County shall receive a salary of thirty-six hundred dollars ($3600.00) per annum payable in equal monthly installments from the general fund of the county.

Sec. 4. The Register of Deeds of Madison County shall receive a salary of thirty-nine hundred dollars ($3900.00) per annum, to be paid in equal monthly installments from the general fund of the county. The said register of deeds is hereby authorized to appoint one full-time deputy or assistant register of deeds at a salary of twenty-seven hundred dollars ($2700.00) per annum, to be paid in equal monthly installments from the general fund of the county.

Sec. 5. The Clerk of the Superior Court of Madison County shall receive a salary of thirty-nine hundred dollars ($3900.00) per annum, to be paid in equal monthly installments from the general fund of the county. This salary shall not include his compensation as judge of the juvenile court. Said Clerk of Superior Court is hereby authorized to appoint one full-time deputy or assistant clerk at a salary of twenty-seven hundred dollars ($2700.00) per annum, to be paid in equal monthly installments from the general fund of the county.

Sec. 6. The County Accountant of Madison County shall receive a salary of thirty-six hundred dollars ($3600.00) per annum, to be paid in equal monthly installments from the general fund of the county. This salary shall not include his compensation as purchasing agent for the county. Said county accountant is hereby authorized to employ two clerical assistants at a salary of twenty-seven hundred dollars ($2700.00) each per annum, to be paid in equal monthly installments from the general fund of the county.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 519 **CHAPTER 385**

AN ACT TO FIX THE COMPENSATION OF JURORS IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-5, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding at the end of the first paragraph thereof the following:

"Provided that in Vance County, all jurors summoned for service in the Superior Court shall receive for their service the sum of six dollars ($6.00) per day."

Sec. 2. All persons summoned for jury service in the Recorder's Court of Vance County shall receive for their service the sum of four and one-half dollars ($4.50) per day.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 531 **CHAPTER 386**

AN ACT AMENDING G. S. 2-26 RELATING TO FEES TO BE CHARGED BY THE CLERK OF SUPERIOR COURT OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 2-26 is hereby amended by adding at the end thereof the following: "Provided that in Burke County the Clerk of Superior Court shall charge the following fees:

(1) Probate and recording of last will and testament, $5.00;

(2) Copies of last will and testament prepared and certified to by clerk, $5.00;

(3) Copies of last will and testament prepared by attorneys and certified to by clerk, $1.00;

(4) Auditing and recording of inventories and annual accountings of guardians, executors and administrators, $2.00 per legal page but not less than $3.00 per inventory or annual accounting;

(5) Auditing and recording of final accountings, $2.00 per legal page plus such additional percentage-based fees as is now provided by G. S. 2-26, not to exceed $50.00;

(6) Probate of deeds, deeds of trust, agreements, sales contracts, chattel mortgages and any and all other instruments, $.25 per name or certificate;

(7) Recording special proceedings, $2.00 per legal sheet but not less than $10.00 for any one special proceeding, which fee shall include the fee for all orders entered therein;

(8) In all cases tried by jury, $10.00. For any service not covered by the foregoing subdivision, the Clerk of Superior Court of Burke County shall charge the same fees as are fixed by G. S. 2-26."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

S. B. 240 CHAPTER 387

AN ACT TO AMEND CHAPTER 117 OF THE GENERAL STATUTES TO PERMIT MEMBERSHIP CORPORATIONS TO ELECT DIRECTORS ON STAGGERED TERMS AND TO PAY THEM FOR MEETINGS ATTENDANCE; TO REQUIRE THAT SUCH CORPORATIONS' TERMS OF MEMBERSHIP BE REASONABLE AND THAT APPLICANTS FOR MEMBERSHIP NOT BE ARBITRARILY DENIED; AND TO PROVIDE FOR DOMESTICATION OF OUT-OF-STATE TELEPHONE MEMBERSHIP CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 117-13 is hereby amended by striking out the entire Section as now written, excepting the title thereof, and inserting in lieu thereof the following:

"Each corporation formed hereunder shall have a board of directors and the powers of a corporation shall be vested in and exercised by a majority of the directors in office. The directors of the corporation, other than those named in its certificate of incorporation, shall be elected annually by the members entitled to vote, but if the bylaws so provide the directors may be elected on a staggered term basis: Provided, that the total number of directors on a board shall be so divided that not less than one-third of them, or as nearly thereto as their division for that purpose will permit, shall be elected annually, and no term shall be longer than for three years; and provided further that, except as may be necessary in inaugurating such a plan, all directors shall be elected for terms of equal duration. The directors must be members and shall be entitled to receive for their services only such compensation as is provided in the bylaws: Provided, that such compensation shall not exceed twenty dollars ($20.00) for each day of their attendance at meetings for which their attendance has been duly authorized. The board shall elect annually from its own number a president and a secretary."

Sec. 2. G. S. 117-16 is hereby amended by substituting a colon in lieu of the period at the end of the Section as now written, and adding the following:

"Provided, that such terms and conditions of membership shall be reasonable; and provided further, that no bona fide applicant for membership, who is able and willing to satisfy and abide by all such terms and conditions of membership, shall be denied arbitrarily, or capriciously, or without good cause."

Sec. 3. G. S. 117-28 is hereby amended by striking out the entire Section as now written, excepting the title thereof, and inserting in lieu thereof the following:

"Any electric or telephone membership corporation created and existing under and by virtue of the laws of any adjoining state, which corporation desires to extend its lines into this State for the purpose of obtaining its power and energy needs, or an exchange interconnection, or for the purpose of supplying electric or telephone service to citizens and residents of this State, shall be and is hereby granted the right to domesticate in this State as such electric or telephone membership corporation, and, after such domestication, any such corporation shall have and enjoy all the rights, privileges, benefits and immunities granted to electric or telephone membership corporations under the laws of this State and shall be subject to the terms, provisions and conditions of this Chapter, and other applicable laws, to the same extent as such laws are now applicable to membership corporations organized under the laws of this State."

Sec. 3½. The provisions of this Act shall not apply to pending litigation.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 276 CHAPTER 388

AN ACT TO AMEND G. S. 153-9 SO AS TO AUTHORIZE THE LEVY OF A SPECIAL TAX IN BEAUFORT COUNTY WITH RESPECT TO THE VETERANS SERVICE OFFICER, THE COUNTY ACCOUNTANT, THE FARM DEMONSTRATION AGENT, AND THE HOME DEMONSTRATION AGENT AND VALIDATING ACTS THEREUNDER.

The General Assembly of North Carolina do enact:

Section 1. That the last sentence of subsection 43 of G. S. 153-9 as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes be and the same is hereby amended by inserting the word "Beaufort" between the words "Alamance" and "Bertie" in the second line thereof.

Sec. 2. All tax levies made in the past for the special purpose of paying the salary and office expenses of the County Accountant, the Farm Demonstration Agent, the Home Demonstration Agent, and the Veterans Service Officer of Beaufort County are hereby validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 362 **CHAPTER 389**

AN ACT RELATING TO THE APPOINTMENT AND COMPENSATION OF CERTAIN OFFICIALS AND EMPLOYEES OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of Commissioners of Richmond County shall receive a salary of seventy-eight dollars ($78.00) per month and the other members of the board of commissioners shall receive a salary of fifty-two dollars ($52.00) per month. In addition, members of the board shall receive a travel expense allowance of seven cents (7¢) per mile.

Sec. 2. The Clerk of the Superior Court of Richmond County shall receive an annual salary of seventy-eight hundred dollars ($7800.00), payable in equal monthly installments, and in addition thereto, the county commissioners shall, in accordance with G. S. 110-22, set the compensation to be received by the clerk in his capacity as judge of the juvenile court.

Sec. 3. The Sheriff of Richmond County shall receive an annual salary of seventy-eight hundred dollars ($7800.00), payable in equal monthly installments, and in addition, the sheriff shall be entitled to the same travel and expense allowances as are provided for deputy sheriffs.

Sec. 4. The Register of Deeds of Richmond County shall receive an annual salary of sixty-seven hundred sixty dollars ($6760.00), payable in equal monthly installments.

Sec. 4½. The Judge and the Solicitor of the Recorder's Court of Hamlet District, Richmond County and the Judge and Solicitor of the Richmond County Special Court shall each receive an annual salary of twenty-four hundred ninety-six dollars ($2496.00), payable in equal monthly installments. The salary paid to the Solicitor of the Recorder's Court of Hamlet District, Richmond County, shall be the total compensation paid the solicitor for performing his duties as solicitor and as ex officio clerk of said court.

Sec. 5. The board of county commissioners shall have full authority to set the number of deputies and employees, and their compensation and travel and expense allowances, who may be appointed or employed by the Clerk of the Superior Court, the sheriff, and the register of deeds, but the clerk, sheriff and the register of deeds shall have full authority to appoint and name the individual officers or employees in their respective offices.

Sec. 6. All salaries, compensation, and expense allowances provided for by this Act shall be paid out of the general fund of the county.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 367 **CHAPTER 390**

AN ACT TO AMEND G. S. 153-9(40) AND G. S. 160-22 SO AS TO AUTHORIZE CITY, COUNTY, AND JOINT PLANNING BOARDS TO CONTRACT FOR AND FURNISH TECHNICAL ASSISTANCE TO ONE ANOTHER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9(40) and G. S. 160-22, as the same appear in the 1952 recompiled Volume 3C, are amended by adding the following provisions at the end of each of said Sections:

"Any planning board established under the authority of this Section, or pursuant to a special Act of the General Assembly, may, with the concurrence of the governing body or bodies to which it is responsible, (a) enter into and carry out contracts with any other city, county, or joint planning board or boards under which it agrees to furnish technical planning assistance to such other planning board or boards; or (b) enter into and carry out contracts with any other city, county, or joint planning board or boards under which it agrees to pay such other planning board or boards for technical planning assistance to be furnished by the staff of such other board or boards.

"The appropriate city and county governing bodies are hereby authorized to concur in such contracts or to enter into them as co-makers.

"Said governing bodies are authorized to make such appropriations as may be necessary to carry out any activities or contracts authorized by this Section, and to levy annually taxes for the payment of the same as a special purpose, in addition to any allowed by the Constitution."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 456 **CHAPTER 391**

AN ACT TO AMEND G. S. 160-2(3) RELATING TO MUNICIPAL CEMETERIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-2(3), as the same appears in the 1957 Cumulative Supplement to the 1952 Recompiled Volume 3C of the General Statutes of North Carolina, is hereby amended by rewriting the first sentence thereof to read as follows:

"3. To purchase and hold land, within or without its limits, for cemetery purposes and to prohibit burial of persons at any other place in town and to regulate the manner of burial in municipal cemeteries."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 479 **CHAPTER 392**

AN ACT AMENDING ARTICLE 8, CHAPTER 143 OF THE GENERAL STATUTES RELATING TO PUBLIC BUILDING CONTRACTS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 143-129 be and the same is hereby amended by adding at the end of the third paragraph thereof the following:

"Provided that the advertisements for bidders required by this Section shall be published at such a time that at least seven full days shall elapse between the date of publication of notice and the date of the opening of the bids."

Sec. 2. That G. S. 143-132 be and the same is hereby amended by adding at the end thereof the following:

"Provided that if after advertisement for bids as required by G. S. 143-129, not as many as three competitive bids have been received from reputable and qualified contractors regularly engaged in their respective lines of endeavor, said board or governing body of the State institution or of a county, city, town or other subdivision of the State shall again advertise for bids; and if as a result of such second advertisement not as many as three competitive bids from reputable and qualified contractors are received, such board or governing body may then let the contract to the lowest responsible bidder submitting a bid for such project, even though only one bid is received."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 486 **CHAPTER 393**

AN ACT REPEALING SECTION 2 OF CHAPTER 275, PUBLIC-LOCAL LAWS OF 1931, AS REWRITTEN, AND SECTION 3 OF CHAPTER 4, PUBLIC-LOCAL LAWS OF 1935, SO AS TO PLACE THE CONSTABLE OF ASHEVILLE TOWNSHIP ON A FEE BASIS AFTER THE FIRST MONDAY IN DECEMBER, 1960.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 275, Public-Local Laws of 1931, as rewritten by Section 1 of Chapter 4, Public-Local Laws of 1935, Chapter 633, Session Laws of 1949, and by Chapter 202, Session Laws of 1951, be and the same is hereby repealed effective on the first Monday in December, 1960. The purpose of this Act is to place the Constable of Asheville Township on a fee basis beginning on the first Monday in December, 1960.

Sec. 2. That Section 3 of Chapter 4, Public-Local Laws of 1935, be and the same is hereby repealed effective on the first Monday in December, 1960.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 523 CHAPTER 394

AN ACT TO AMEND G. S. 153-9 SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HOKE COUNTY TO LEVY TAXES TO PAY THE SALARIES AND OFFICE EXPENSES OF CERTAIN COUNTY EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. Subsection 43 of G. S. 153-9, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting the words "Hoke, Montgomery" between the words "Hertford" and "Lenoir" appearing in the last paragraph of said subsection.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 539 CHAPTER 395

AN ACT TO AMEND G. S. 160-452 RELATING TO THE ELIGIBILITY OF VOTERS IN REFERENDUM FOR EXTENSION OF CORPORATE LIMITS OF THE TOWN OF ATLANTIC BEACH IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-452, as the same appears in Volume 3C of the General Statutes, is hereby amended by adding at the end thereof the following:

"In ascertaining who are legal residents eligible to register and vote in any proposed annexation by the Town of Atlantic Beach of property located on Bogue Banks in Carteret County, the following shall be determined to be legal residents eligible to register and vote:

(a) Persons or corporations who hold the legal title of ownership to real property situated within the proposed area to be annexed, whether they reside thereon permanently, temporarily, or not at all;

(b) Each holder of title of ownership in a tenancy in common;

(c) Both tenants in a tenancy by the entirety;

(d) Corporations owning property within the proposed area to be annexed.

There shall be only one vote for each holder of legal title of property within the proposed area to be annexed, regardless of the number of tracts of land owned, whether contiguous or noncontiguous, within the affected

area. Persons having only a dower or courtesy interest in said property shall not be considered a holder of legal title of ownership to property within the area herein specified."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 547 CHAPTER 396

AN ACT TO AMEND CHAPTER 220 OF THE SESSION LAWS OF 1953 RELATING TO THE CHARTER OF THE TOWN OF KILL DEVIL HILLS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 220 of the Session Laws of 1953 is repealed.

Sec. 2. The governing body of the Town of Kill Devil Hills is authorized to expend annually an amount not to exceed three hundred dollars ($300.00) to be used for the purpose of defraying the cost of public celebrations held in said town.

Sec. 3. The members of the Board of Town Commissioners of the Town of Kill Devil Hills shall receive as compensation for their services the sum of six dollars ($6.00) for each regular monthly meeting of the board.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 554 CHAPTER 397

AN ACT TO PROVIDE FOR THE ALLOCATION OF DELINQUENT TAXES COLLECTED BY WARREN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All revenues collected from county taxes, tax sales certificates, tax notes, or other evidence of tax liability in Warren County, when the tax, or tax represented thereby, is one or more years in arrears when collected, may be placed in the general fund of the county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 555 **CHAPTER 398**

AN ACT TO AMEND CHAPTER 2, PRIVATE LAWS OF 1925, TO RE-DEFINE THE CORPORATE LIMITS OF THE TOWN OF FOREST CITY IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 2, Private Laws of 1925, is hereby re-written to read as follows:

"Sec. 2. Corporate Limits. The corporate limits of the Town of Forest City, lying and being in Cool Springs Township, Rutherford County, North Carolina, shall be as follows:

"BEGINNING at a point in the center of the Clinchfield Railroad trestle where it crosses Second Broad River and the line runs thence with the center of Second Broad River the following calls: North 87 degrees 30 minutes East 300 feet; thence South 80 degrees 30 minutes East 300 feet; thence South 71 degrees East 100 feet; thence South 45 degrees 30 minutes East 100 feet; thence South 22 degrees 30 minutes East 800 feet; thence South 14 degrees 30 minutes East 150 feet; thence South 33 degrees 30 minutes West 750 feet; thence South 45 degrees West 150 feet; thence South 14 degrees 30 minutes West 150 feet; thence South 20 degrees East 200 feet; thence South 28 degrees East 200 feet; thence South 11 degrees 20 minutes East 650 feet; thence South 19 degrees East 400 feet; thence South 33 degrees 30 minutes East 400 feet; thence South 9 degrees 30 minutes East 200 feet; thence South 29 degrees West 300 feet; thence South 36 degrees 30 minutes West 200 feet; thence South 62 degrees 30 minutes West 150 feet; thence South 87 degrees 30 minutes West 150 feet; thence South 1 degree West 150 feet; thence South 28 degrees East 150 feet; thence South 56 degrees East 200 feet; thence South 69 degrees East 200 feet; thence South 83 degrees East 175 feet to a point in the center of Second Broad River; thence leaving the river South 66 degrees West 570 feet; thence South 53 degrees West 286 feet; thence South 5 degrees 30 minutes East 264 feet; thence South 6 degrees 15 minutes East 247 feet; thence South 20 degrees West 335 feet to a point in the North edge of the Old Caroleen Road; thence with the North edge of the Old Caroleen Road North 79 degrees 30 minutes West 210 feet; thence North 71 degrees West 740 feet to a point in the North edge of the Old Caroleen Road; thence leaving the Old Caroleen Road South 18 degrees 30 minutes West 955 feet; thence South 47 degrees East 681.5 feet; thence South 19 degrees 45 minutes West 552.7 feet; thence North 83 degrees 15 minutes West 722 feet; thence North 16 degrees 30 minutes West 465 feet; thence North 61 degrees 45 minutes West 515 feet; thence North 68 degrees 30 minutes West 125 feet; thence North 81 degrees 30 minutes West 200 feet; thence North 85 degrees 50 minutes West 1600 feet; thence South 61 degrees 45 minutes West 1130 feet to a point in the East edge of Beaver Street; thence with the East edge of Beaver Street the following calls: South 19 degrees 35 minutes East 150 feet; thence South 18 degrees 45 minutes East 150 feet; thence South 15 degrees 35 minutes East 300 feet; thence South 13 degrees 15 minutes East 400 feet; thence South 10 degrees

55 minutes East 150 feet; thence South 7 degrees 50 minutes East 205 feet to a point where the city limit line of the Town of Alexander Mills crosses the East edge of Beaver Street; thence with the city limit line of the Town of Alexander Mills North 87 degrees 45 minutes West 1775 feet; thence continuing with said city limit line South 3 degrees 30 minutes West 545 feet to a point in the city limit line of the Town of Alexander Mills; thence South 58 degrees West 1556 feet; thence North 41 degrees West 790 feet; thence North 23 degrees West 380 feet; thence North 70 feet; thence North 53 degrees West 655 feet to a point in the Sulphur Springs Road; thence with the Sulphur Springs Road the following calls: North 34 degrees 30 minutes East 200 feet; thence North 28 degrees East 150 feet; thence North 10 degrees 50 minutes East 660 feet to a point in the said Sulphur Springs Road; thence leaving said road North 85 degrees 10 minutes West 3550 feet to a point in a creek; thence with the creek the following calls: North 16 degrees West 150 feet; thence North 35 degrees West 200 feet; thence North 44 degrees West 130 feet; thence North 26 degrees West 300 feet; thence North 16 degrees 30 minutes West 350 feet; thence North 27 degrees West 400 feet; thence North 37 degrees West 100 feet; thence North 21 degrees West 100 feet; thence North 13 degrees West 200 feet; thence North 18 degrees West 200 feet; thence North 13 degrees West 350 feet; thence North 8 degrees West 200 feet; thence North 15 degrees West 500 feet; thence North 14 degrees East 50 feet; thence North 19 degrees West 300 feet; thence North 50 degrees West 115 feet; thence North 10 degrees West 90 feet; thence North 21 degrees West 120 feet; thence North 44 degrees West 300 feet; thence North 48 degrees West 100 feet; thence North 18 degrees West 150 feet; thence North 26 degrees West 80 feet; thence North 11 degrees West 60 feet; thence North 24 degrees West 160 feet; thence North 6 degrees 30 minutes West 70 feet; thence North 42 degrees West 50 feet; thence North 11 degrees West 50 feet; thence North 35 degrees 30 minutes West 150 feet; thence North 18 degrees West 180 feet; thence North 43 degrees West 50 feet; thence North 24 degrees 30 minutes West 160 feet; thence leaving said creek North 26 degrees 45 minutes East 2780 feet; thence North 38 degrees West 1190 feet; thence North 46 degrees 15 minutes West 2300 feet; thence North 77 degrees 30 minutes West 2210 feet; thence North 2 degrees East 2170 feet; thence North 86 degrees 30 minutes West 760 feet; thence North 27 degrees 45 minutes East 1362 feet; thence South 63 degrees 15 minutes East 1040 feet to a point in the center of the Ledbetter Road; thence with the Ledbetter Road South 28 degrees 30 minutes West 365 feet; thence leaving the Ledbetter Road South 83 degrees East 845 feet to a point in the center of Forest Hill Drive; thence South 71 degrees East 2000 feet; thence South 62 degrees East 295 feet; thence South 88 degrees East 165 feet; thence South 57 degrees East 1765 feet; thence North 63 degrees East 41.3 feet; thence South 12 degrees East 63 feet; thence North 71 degrees East 489 feet; thence North 83 degrees East 1180 feet; thence South 39 degrees 30 minutes East 2265 feet; thence North 67 degrees East 1820 feet; thence North 30 degrees East 550 feet; thence South 60 degrees East 725 feet to a point in Vance Court Street; thence with said street South 30 degrees

West 465 feet to a point in said street; thence leaving said street South 76 degrees 45 minutes East 2130 feet to a point in Bostic Road; thence South 56 degrees East 1610 feet to a concrete monument on the South side of the Flack Road; thence South 44 degrees 15 minutes East 1383 feet; thence South 71 degrees 50 minutes East 330 feet; thence North 49 degrees East 149.16 feet; thence North 69 degrees East 417 feet to a point in the center of Second Broad River; thence with the center of Second Broad River the following calls: South 4 degrees 45 minutes East 600 feet; thence South 33 degrees East 150 feet; thence South 64 degrees East 150 feet; thence South 86 degrees East 195 feet; thence North 77 degrees 30 minutes East 400 feet; thence North 80 degrees 35 minutes East 430 feet to the point of BEGINNING."

Sec. 2. All persons residing within the area described in Section 1 of this Act who are otherwise qualified to vote in the municipal election to be held on the 5th of May, 1959, shall be permitted to register for said election up until twelve o'clock noon, Saturday, May 2, 1959.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. B. 569

CHAPTER 399

AN ACT TO AUTHORIZE THE EMPLOYMENT OF A PLUMBING INSPECTOR IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 47 of G. S. 153-9, as the same appears in the 1957 Supplement to the General Statutes is amended by inserting a comma after the word "Stokes" in line 2 of the second paragraph. Said paragraph is further amended by striking out the word "and" between the word "Stokes" and the word "Surry" in line 2. Said paragraph is further amended by inserting a comma following the word "Surry" in line 2 and by inserting the following words immediately thereafter "and Wake".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

S. B. 56 **CHAPTER 400**

AN ACT CONCERNING THE ASSIGNMENT OF AN ASSISTANT ATTORNEY GENERAL TO THE UTILITIES COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-10.2 is hereby rewritten to read as follows: "§62-10.2. Appointment of Assistant Attorney General Assigned to Utilities Commission. The Attorney General shall assign an assistant attorney general and such staff attorneys as may be necessary to the Utilities Commission and shall be under the direction of the Attorney General and perform such legal services as may be necessary in connection with the duties of said Commission, including the drafting of such orders, tentative orders, findings of fact and conclusions of laws as any member of the Commission may require, and such other legal research, advice and appearances on behalf of the Commission as the Commission may direct. The Attorney General may require this assistant attorney general and such staff counsel to perform such other legal duties as may be determined by him. In any case in which the Attorney General shall file a complaint or shall intervene in any proceeding and the Commission determines that there may be a conflict in the position of the Commission and the Attorney General, the Commission shall have the right, with the approval of the Governor, to employ an attorney to represent it in said proceeding and the compensation of said attorney shall be paid from the Contingency and Emergency Fund."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

S. B. 189 **CHAPTER 401**

AN ACT PROVIDING FOR THE ELECTION OF THE COUNTY ACCOUNTANT AND TAX SUPERVISOR OF MITCHELL COUNTY, FIXING HIS SALARY AND THE SALARY OF HIS ASSISTANT, AND PROVIDING FOR FILLING VACANCIES IN SAID OFFICE.

The General Assembly of North Carolina do enact:

Section 1. Effective in the year 1960 the person holding the combined office of County Accountant and Tax Supervisor of Mitchell County shall be elected by the qualified electors of the county for a term of two years. In the primary elections or county conventions of the various political parties there shall be nominated in the year 1960 candidates for the combined office of County Accountant and Tax Supervisor for Mitchell County under the same rules and regulations as govern the nominations of other county officers in said county. At the general election of 1960 the names of the candidates so nominated shall be placed on the official ballot for county officers in said county. The term of the person elected to said office in the general election of 1960 shall begin on the first Monday in December,

1960, and he shall hold office until his successor shall be duly elected and qualified. Thereafter the County Accountant and Tax Supervisor for Mitchell County shall be elected biennially at the same time and under the same laws that govern the election of other county officers. In case of a vacancy occurring in said office by reason of death, resignation or any other cause, such vacancy shall be filled for the remainder of the unexpired term by appointment by the Resident Judge of the Judicial District in which Mitchell County is located.

Sec. 2. Beginning with the term commencing on the first Monday in December, 1960, the County Accountant and Tax Supervisor of Mitchell County shall receive a salary of forty-eight hundred dollars ($4800.00) per year, to be paid in equal monthly installments from the general fund of the county.

Sec. 3. Beginning with the term commencing on the first Monday in December, 1960, the County Accountant and Tax Supervisor of Mitchell County shall be entitled to appoint an assistant at a salary of twenty-seven hundred dollars ($2700.00) per year, to be paid in equal monthly installments from the general fund of the county.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

S. B. 232 CHAPTER 402

AN ACT TO REDUCE THE NUMBER OF JURORS IN THE TRIAL OF CRIMINAL CASES IN THE GENERAL COUNTY COURT OF DUPLIN COUNTY AND TO FIX THE FEES OF ALL JURORS IN DUPLIN COUNTY AT SIX DOLLARS PER DAY.

The General Assembly of North Carolina do enact:

Section 1. Whenever a jury trial is had in any criminal action in the General County Court of Duplin County, such jury shall consist of only six (6) persons.

Sec. 2. All jurors in the Superior Court of Duplin County, including special veniremen and tales jurors, and all jurors in the General County Court of Duplin County shall receive fees of six dollars ($6.00) per day for their services together with such travel allowance, if any, as may be provided by law with respect to jurors in Duplin County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

S. B. 245 **CHAPTER 403**

AN ACT TO AMEND G. S. 14-335 RELATING TO PUBLIC DRUNKENNESS SO AS TO MAKE THE SAME APPLY TO CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Numbered paragraph 10 of G. S. 14-335 is hereby amended by inserting in line 1 thereof following the word "Catawba," and preceding the word "Chatham," the word "Cleveland".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

H. B. 161 **CHAPTER 404**

AN ACT TO PROVIDE A METHOD FOR CREATING THE RIGHT OF SURVIVORSHIP IN BANK DEPOSITS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 41 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 41-2 as follows:

"G. S. 41-2.1. Right of Survivorship in Bank Deposits Created by Written Agreement. (a) A deposit account may be established with a banking institution in the names of two persons who are husband and wife, payable to either or the survivor, with incidents as provided by subsection (b) of this Section, when both parties have signed a written agreement, either on the signature card or by separate instrument, expressly providing for the right of survivorship.

(b) A deposit account established under subsection (a) of this Section shall have the following incidents:

(1) Either husband or wife may add to or draw upon any part or all of the deposit account, and any withdrawal by or upon the order of either person shall be a complete discharge of the banking institution with respect to the sum withdrawn.

(2) During the lifetime of both husband and wife, the deposit account shall be subject to their respective debts to the extent that each has contributed to the unwithdrawn account. In the event their respective contributions are not determined, the unwithdrawn fund shall be deemed owned by both equally.

(3) Upon the death of either husband or wife, the survivor becomes the sole owner of the entire unwithdrawn deposit subject to the claims of the creditors of the deceased and to governmental rights. The whole of the unwithdrawn deposit account becomes immediately vested in the survivor by virtue of the agreement of the parties.

(c) This Section shall be subject to the provisions of law applicable to transfers in fraud of creditors.

(d) This Section shall not be deemed exclusive; deposit accounts not conforming to this Section, and other property jointly owned, shall be governed by other applicable provisions of the law.

(e) As used in this Section,

(1) 'Banking institution' includes commercial banks, industrial banks, building and loan associations, saving and loan associations, and credit unions.

(2) 'Deposit account' includes both time and demand deposits in commercial banks and industrial banks, installment shares, optional shares and fully paid share certificates in building and loan associations and savings and loan associations, and deposits and shares in credit unions.

(f) Nothing herein contained shall be construed to repeal or modify any of the provisions of G. S. 105-24 relating to the administration of the inheritance laws or any other provisions of the law relating to inheritance taxes.

(g) A deposit account under subsection (a) of this Section may be established by a written agreement in substantially the following form:

'We, the undersigned, hereby agree that all sums deposited at any time, including sums deposited prior to this date, in the.....
(Name of Institution)
in the joint account of the undersigned shall be held by us as co-owners with the right of survivorship, regardless of whose funds are deposited in said account and regardless of who deposits the funds in said account. Either of us shall have the right to draw upon said account, without limit, and in case of the death of either of us the survivor shall be the sole owner of the entire account. This agreement is governed by the provisions of Section 41-2.1 of the General Statutes of North Carolina.

'Witness our hands and seals, this.....day of....., 19.....

.....(Seal)

.....(Seal)' ".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

H. B. 231 CHAPTER 405

AN ACT TO AMEND CHAPTER 113 OF THE GENERAL STATUTES SO AS TO PERMIT FISHING FROM HIGHWAY BRIDGES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 113 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 113-154, to be designated as G. S. 113-154.1, and to read as follows:

"G. S. 113-154.1. Fishing from bridges. Subject to other applicable provisions of laws and regulations relating to fishing, it shall be lawful for

persons to fish with hook and line from the walkways, sidewalks or catwalks of any bridge in North Carolina which is under the supervision and control of the State Highway Commission, provided that such sidewalks are at least four feet wide or that such pedestrian walks are located outside the main guardrail of the bridge: Provided further, however, it shall be unlawful for any person to fish from the draw span of any bridge; provided further, that the provisions of this Act shall not apply to the County of Carteret."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

H. B. 455 CHAPTER 406

AN ACT TO AMEND G. S. 143-131 TO PROVIDE MORE UNIFORM STANDARDS IN THE AWARDING OF PUBLIC CONTRACTS BY COUNTIES, CITIES, TOWNS, AND OTHER SUBDIVISIONS OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-131, as the same appears in the 1958 Replacement Volume 3B of the General Statutes of North Carolina, is hereby amended to read as follows:

"All contracts for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment, involving the expenditure of public money in the amount of two hundred dollars ($200.00) or more but less than the limits prescribed in G. S. 143-129, made by any officer, department, board, or commission of any county, city, town, or other subdivision of this State shall be made after informal bids have been secured. All such contracts shall be awarded to the lowest responsible bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract. It shall be the duty of any officer, department, board, or commission entering into such contracts to keep a record of all bids submitted, and such record shall be subject to public inspection at any time."

Sec. 2. All laws and clauses of laws, except special act provisions of local charters, in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

H. B. 504 **CHAPTER 407**

AN ACT TO AMEND CHAPTER 14 OF THE GENERAL STATUTES RELATING TO THE USE OF INDECENT OR PROFANE LANGUAGE IN A PUBLIC PLACE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 14 of the General Statutes is hereby amended by adding thereto a new Section to be numbered G. S. 14-197.1 and to read as follows:

"§ 14-197.1. Using profane or indecent language in public place, application. If any person shall at any public place and in the hearing of two or more persons use indecent or profane language in a loud and boisterous manner, he shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars ($50.00) or imprisonment not exceeding thirty (30) days. This Section shall apply only to the following counties: Burke."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

H. B. 512 **CHAPTER 408**

AN ACT TO AMEND G. S. 47-51 OF THE GENERAL STATUTES RELATING TO SEAL OMITTED FROM OFFICIAL DEEDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-51, as the same appears in the 1957 Cumulative Supplement to Volume 2A of the General Statutes, is hereby amended by striking out the word "March 12, 1955" as the same appears at the beginning of line 2 of said Section, and substituting in lieu thereof the words "April 1, 1959."

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

H. B. 520 **CHAPTER 409**

AN ACT TO AMEND CHAPTER 282, PRIVATE LAWS OF 1911, TO RE-DEFINE THE CORPORATE LIMITS OF THE TOWN OF LAKE WACCAMAW IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 282, Private Laws of 1911, as amended by Chapter 758, Session Laws of 1957, is rewritten to read as follows:

"Sec. 2. That the corporate limits of said town shall be as follows:

"Beginning at the center of a bridge on the Hallsboro Road, where said road crosses a small stream, about one-fourth mile East of the Viola Smith place, and running East, parallel with the Atlantic Coast Line Railway, to a point North of a small trestle on said railway about one-fourth mile East of Wananish, Main Street, crossing; thence South from this point to the northern shore of Waccamaw Lake; thence West to a point South of the beginning; thence North to the point of beginning; and beginning at a point on the northern edge of the Lake Waccamaw Canal where the northern edge of said canal intersects the western boundary of the present town limits of the Town of Lake Waccamaw, North Carolina, and runs thence with the northern edge of said canal, its various courses and distances; westwardly, southwestwardly and southwardly to the point where said edge intersects the northern edge of the Hallsboro-Dupree public road; thence with the northern edge of said public road, South 46 degrees East to the edge of Lake Waccamaw, this being the southwestern corner of Lot No. 262 as shown on a map of the J. L. Sides subdivision showing Lake Cove and being recorded in Book of Maps No. 4, at page 69; thence with the edge of Lake Waccamaw, its various courses and distances northwardly, northeastwardly and eastwardly, to the point in the edge of said lake, that intersects or joins the western margin of the town limits of Lake Waccamaw; thence with the western limits of said town northwardly to a point on the northern edge of the Lake Canal, this being the point of the beginning, and being all that strip of land adjoining the edge of Lake Waccamaw and known as the J. L. Sides subdivision, not heretofore annexed to said town, as shown or designated on map or maps as recorded in Map Book No. 3, page 120, Map Book No. 4, page 59, and Map Book No. 4, page 69, as recorded in the Register of Deeds Office of Columbus County, North Carolina, and also including that lot or parcel of land included in the above description known as the Boyette property."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

H. B. 551 CHAPTER 410

AN ACT TO AMEND CHAPTER 321, PRIVATE LAWS OF 1893, TO RE-DEFINE THE CORPORATE LIMITS OF THE TOWN OF EVERETTS IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 321 of the Private Laws of 1893 is amended by striking out Section 2 thereof and substituting in lieu thereof the following:

"Sec. 2. That the limits of said town shall be as follows:

BEGINNING at a point in the center of the Atlantic Coast Line Railroad at the culvert located 2,468 feet East of the center line of Main

Street and 3,789 feet East of mile post BC 160; thence North 3 degrees 30 minutes West 980 feet to a corner; thence a course parallel with the railroad South 86 degrees 30 minutes West 5,917 feet to a corner; thence South 3 degrees 30 minutes East 2,241 feet to a corner; thence a course parallel with the railroad North 36 degrees 30 minutes East 5,917 feet to a corner; thence North 3 degrees 30 minutes West 1,261 feet to the point of beginning."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

H. B. 553 CHAPTER 411

AN ACT TO AMEND G. S. 7-393 RELATING TO THE JURISDICTION OF THE COUNTY CRIMINAL COURT OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of G. S. 7-393 is amended by adding at the end thereof the following: "Provided, that in Yadkin County the County Criminal Court shall have concurrent jurisdiction with justices of the peace of all criminal offenses committed in the county which are now or may hereafter be given to justices of the peace."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

H. B. 607 CHAPTER 412

AN ACT RELATING TO THE TERMS OF THE SUPERIOR COURT OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70, as the same appears in the 1957 Supplement to the General Statutes, which fixes the terms of the Superior Court to be held in Chatham County in the Fifteenth Judicial District is amended by inserting after the word "week" and before the semicolon, in line 10 of said portion, the words "for the trial of civil cases only".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

H. B. 658 CHAPTER 413

AN ACT RELATING TO THE LOCATION OF NEW CEMETERIES IN OR WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE TOWN OF BREVARD IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There shall be no new cementery located in the Town of Brevard or within one mile of the corporate limits of said town unless permission for the location of such new cemetery is obtained both from the Board of Aldermen of the Town of Brevard and from the Board of County Commissioners of Transylvania County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of April, 1959.

H. B. 708 CHAPTER 414

AN ACT TO AMEND HOUSE BILL 475, RATIFIED ON THE 23RD DAY OF APRIL, 1959, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF CHOCOWINITY IN BEAUFORT COUNTY".

The General Assembly of North Carolina do enact:

Section 1. House Bill 475, ratified on the 23rd day of April, 1959, is hereby amended by striking out subsections (a) and (c) of Section 8 of the ratified bill, and substituting in lieu thereof the following:

"(a) For the purpose of determining the question of incorporation, the Beaufort County Board of Elections shall call and hold for the Town of Chocowinity a special election to determine whether the town shall be incorporated as herein provided. The said special election shall be held at the expense of the County of Beaufort. The county board of elections shall hold said election on May 30, 1959. The said board of elections shall make all the necessary provisions for the holding and conducting of the election, including the canvassing of the returns and the declaration of the results of said election. The call for said election shall be published in some newspaper in Beaufort County and preferably in a newspaper published in the Town of Chocowinity, for the period of once a week for four successive weeks prior to said election."

"(c) The county board of elections shall cause the registration books to be opened on May 2, May 9 and May 16, 1959 for the registration of those persons qualified to vote in said election. The registration books shall be kept open at the polling places on May 23, 1959 for the inspection of those voting in said election and any registered, qualified voter shall be allowed to challenge the name of any person appearing on said books."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 30th day of April, 1959.

S. B. 183 CHAPTER 415

AN ACT VALIDATING AND CONFIRMING THE APPOINTMENT OR ELECTION OF MEMBERS OF SANITARY DISTRICT BOARDS AND ALL ACTIONS AND PROCEEDINGS TAKEN IN RELATION TO THE ANNEXATION OF ADDITIONAL TERRITORY BY SANITARY DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. All actions and proceedings heretofore had and taken in the appointment or election of any members of any sanitary district board and the appointment or election of any such members are hereby in all respects legalized, ratified, approved, validated and confirmed, and any and all members of any such board heretofore appointed or elected shall have all the powers and may perform all the duties required or permitted of them to be performed pursuant to the provisions of Article 12, Chapter 130, General Statutes of North Carolina, until their respective successors are elected and qualified; provided, however, that any vacancy in any sanitary district board may be filled as provided in G. S. 130-127.

Sec. 2. All actions and proceedings heretofore had and taken by the State Board of Health or any officer or representative thereof, any board of county commissioners and any sanitary district board for the purpose of annexing additional territory to any sanitary district or with respect to any such annexation are hereby in all respects legalized, ratified, approved, validated and confirmed, notwithstanding any lack of power to take such actions or proceedings or any defect or irregularity in any such actions or proceedings, and any and all such sanitary districts are hereby declared to be lawfully extended to include such additional territory and as so extended to be in all respects legal and valid sanitary districts.

Sec. 3. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1959.

S. B. 195 **CHAPTER 416**

AN ACT TO PROVIDE FOR THE INVESTMENT OF FUNDS BY PITT COUNTY.

WHEREAS, from time to time the general funds and other funds of Pitt County are sufficient in amount to be invested in government and other securities or deposited in order to draw interest until needed: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Pitt County, after the ratification of this Act, may from time to time invest all or any part of the cash balance of any one or more of its funds as defined in Section 153-114 of the General Statutes of North Carolina, as amended. Such investments shall be authorized by resolution of the governing body, the Pitt County Board of County Commissioners, duly adopted and recorded. The types of investment authorized herein shall be the following, in addition to the investments presently authorized by the General Statutes of North Carolina:

(1) Bonds, notes, or certificates of indebtedness of the United States of America and bonds or notes of any agency or instrumentality of the United States, the payment of principal and interest of which is guaranteed by the United States of America, or in bonds or notes of the State of North Carolina. Nothing in this Section shall be construed as permitting monies from realization of such investments by sale or payment to be applied to any purpose other than that now authorized by law, except that such monies may be re-invested in notes, bonds or certificates of indebtedness as herein provided for investments.

(2) Certificates of deposit of any bank or trust company organized under the laws of this State or organized under the laws of the United States of America and having its principal office in this State: Provided such bank or trust company shall, upon issuance of a certificate of deposit, furnish security for protection of the deposit in the manner required by law.

(3) Time deposit in any bank or trust company organized under the laws of this State or organized under the laws of the United States of America and having its principal office in this State: Provided such bank or trust company shall, at the time of such deposit, furnish security for the protection of the deposit in the manner required by law.

(4) Shares of any building and loan association organized under the laws of this State or of any federal savings and loan association having its principal office in this State: Provided, no money may be invested in shares of any building and loan association or of any savings and loan association of amount in excess of the amount insured by the Federal Government or any agency thereof, and such investment shall be made subject to rules and regulations of said building and loan association or savings and loan association as to terms of redemption of shares, or upon such terms as may be agreed upon by the governing body of the county or municipality and the building and loan, or saving and loan association.

Interest earned on investment shall be prorated and credited to the various funds upon the basis of amounts thereof invested.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall apply only to Pitt County and the powers set out herein for investment of funds by the county are in addition to those presently authorized in the General Statutes of North Carolina.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1959.

S. B. 227 CHAPTER 417

AN ACT TO FIX THE FEES OF THE SHERIFF AND OTHER OFFICERS OF MOORE COUNTY, TO PROVIDE FOR THE APPOINTMENT OF DEPUTIES AND THEIR COMPENSATION, AND THE DISPOSITION OF FEES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 162-7 is amended by adding the following provisions at the end thereof:

"The fees and expenses to be charged and collected by the Sheriff of Moore County for services rendered by him and his deputies shall be as hereinafter set out:

Arrest, warrant and capias and civil, each defendant	$ 2.50
Subpoena, criminal and civil, each witness	1.00
Summons, each defendant	2.00
Claim and delivery	3.50
Each additional defendant	1.00
Attachments	3.00
Each additional defendant	1.00
Execution, each defendant	2.00
Homestead and personal property allotment, fees, sheriff and three commissioners	15.00
Serving notice, each copy	2.00
Summary of ejectment, service of summons, each defendant	1.50
Summary of ejectment, execution by removal	5.00
Commission on collections on executions, 5% on first $500.00	
Commission on collections on executions 2½% all above $500.00	
Seizure fee, confiscated autos	3.00
Posting notices of sale, each copy	1.00"

Sec. 2. In all cases where the constable of any township, alcoholic beverage control officer and all town and city police and peace officers in Moore County are vested with authority of law to serve any process, subpoena, writs or papers or perform any of the duties or official functions as listed and shown above in Section 1 of this Act relating to the Sheriff of Moore County, each constable, alcoholic beverage control officer, all

town and city police and peace officers shall in all cases receive the same fee as fixed in Section 1 of this Act for the Sheriff of Moore County and his deputies for serving the same process or performing the same duties.

Sec. 3. All fees and commissions required or allowed by law payable to the sheriff and his deputies in criminal matters only shall be collected by the Clerk of the Superior Court and turned over by him monthly to the county auditor for deposit in the general fund of Moore County and the sheriff and his deputies shall not be entitled to receive any part thereof.

Sec. 4. The board of commissioners shall determine the number of deputies needed by the sheriff and shall also be authorized to expend such an amount for salaries and expenses for necessary deputies for the Sheriff of Moore County as the said board shall determine in its sole discretion.

Sec. 5. This Act shall apply only to Moore County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after May 1, 1959.

In the General Assembly read three times and ratified, this the 1st day of May, 1959.

S. B. 246 CHAPTER 418

AN ACT TO AMEND CHAPTER 671, OF THE SESSION LAWS OF 1951 RELATING TO THE SALARY OF THE MAYOR OF THE CITY OF SHELBY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 671 of the Session Laws of 1951 is hereby amended by striking out in line 4 thereof the words and figures "seventy-five hundred dollars ($7500.00)" and substituting therefor the words and figures "ten thousand dollars ($10,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1959.

S. B. 249 CHAPTER 419

AN ACT TO AMEND CHAPTER 306 OF THE SESSION LAWS OF 1953 RELATING TO THE COMPENSATION OF OFFICE ASSISTANTS AND EXPENSES OF THE SHERIFF OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 2 of Chapter 306 of the Session Laws of 1953 is amended by striking out in lines 3 and 4 the words and figures "one hundred dollars ($100.00)" and inserting in lieu thereof the words and figures "one hundred seventy-five dollars ($175.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1959.

S. B. 250 CHAPTER 420

AN ACT TO AMEND G. S. 156-133 RELATING TO THE COMPENSATION TO BE PAID TO AUDITORS FOR DRAINAGE DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 156-133 is amended by striking out in the last line thereof the word "fifty" and inserting in lieu thereof the words "two hundred".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1959.

H. B. 377 CHAPTER 421

AN ACT TO AMEND G. S. 127-102 RELATING TO THE DISTRIBUTION OF ALLOWANCES MADE TO ORGANIZATIONS OF THE NATIONAL GUARD.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of G. S. 127-102, 1958 Replacement Volume 3B, is amended by striking out, in line 2, the word "war" and inserting in lieu thereof the word "defense". Said paragraph is further amended by striking out, in line 4, the words and figures "one thousand five hundred dollars ($1,500.00)" and inserting in lieu thereof the words and figures "three thousand dollars ($3,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1959.

H. B. 451 CHAPTER 422

AN ACT TO AMEND G. S. 62-71 SO AS TO REQUIRE THE PAYMENT OF INTEREST ON AMOUNTS ORDERED REFUNDED WHERE UTILITIES HAVE PUT RATES IN EFFECT UNDER BOND.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 62-71 beginning with the word "Provided" in line 11 of the second paragraph thereof and ending with the

word "interested" in line 20 of the second paragraph thereof is hereby rewritten to read as follows: "Provided, and notwithstanding any such order of suspension, the public untility may put such suspended rate or rates into effect on the date when it or they would have become effective, if not so suspended, by filing with the Commission a bond in a reasonable amount approved by the Commission, with sureties approved by the Commission, conditioned upon the refund, in a manner to be prescribed by order of the Commission to the persons entitled thereto of the amount of the excess and interest at the rate of six per cent (6%) per annum from the date that such rates were put into effect, if the rate or rates so put into effect are finally determined to be excessive; or there may be substituted for such bond, other arrangements satisfactory to the Commission for the protection of the parties interested."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1959.

H. B. 576 CHAPTER 423

AN ACT TO AMEND CHAPTER 641 OF THE SESSION LAWS OF 1949, RELATING TO THE CHARTER OF THE CITY OF MONROE, TO EXTEND THE CORPORATE LIMITS OF SAID CITY AND TO EXTEND THE JURISDICTION OF THE PEACE OFFICERS OF SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the City of Monroe as re-defined and extended under the provisions of Chapter 641, Section 3, Session Laws of 1949, be and they are hereby further re-defined and extended so as to include all of the area located within the following described perimeter boundaries; and from and after the effective date of this Act said area shall be a part of the City of Monroe, viz:

Beginning at an iron stake on the West line of Davenport Street, said point being an existing corner of the city limits line of the City of Monroe and running thence, crossing Davenport Street, and along the northern margin of a 20-foot alley, being the present city limits line, 1,486 feet to an iron stake on the North line of said alley; thence with the existing city limits line of the City of Monroe North 6 degrees 40 minutes West 880 feet to an iron stake on said corporate limits line; thence with a line of the Dickerson property North 85 degrees 35 minutes West 934 feet to an iron on the East margin of Westover Drive; thence crossing said Westover Drive North 85 degrees 35 minutes West 60 feet to an iron on the West margin of said Westover Drive; thence with a line of the Westover properties North 85 degrees 35 minutes West 452.6 feet to an iron stake; thence with a line of the Harry Howard property North 25 degrees 35 minutes West 539.3 feet to an iron stake; thence South 59 degrees 00 minutes West 264 feet to an iron stake; thence with a line of the Elizabeth Brewer lines

South 23 degrees 25 minutes East 1,371.6 feet to an iron stake; and thence, continuing with said Brewer property line, South 14 degrees 45 minutes East 987.7 feet to the beginning corner.

Sec. 2. That on and from the effective date of this Act all persons and properties residing and located within the area defined in Section 1 of this Act shall be subject to all of the ordinances and provisions of the Charter of the City of Monroe, as contained in existing law and constituting said charter, and all persons residing within said boundaries, annexation or corporate limits shall be entitled to the same rights and privileges now exercised by the citizens of the City of Monroe; and the provisions of all valid existing ordinances of the City of Monroe are hereby extended to all of the area set forth in Section 1 of this Act; provided, nevertheless, no ad valorem taxes shall be assessed nor levied for the tax year 1959 by the City of Monroe against any property defined under Section 1 of this Act, nor shall the City of Monroe levy any poll tax against any resident of the area defined in Section 1 of this Act for the year 1959.

Sec. 3. That on and from the effective date of this Act, all persons residing within the area defined in Section 1 of this Act and who are otherwise qualified to register and vote shall be entitled to register and vote in the 1961 municipal primaries and elections conducted by the City of Monroe for the purposes of electing a mayor and other elective officers of the said city, but such persons shall be required to conform to all of the laws and ordinances applicable to such primaries and elections and the conduct thereof for the year 1961 and subsequent elections years. Persons who reside within the area defined in Section 1 of this Act and who shall or may be entitled to register and vote in the city primaries and elections of said city may register and vote in the ward or voting precinct of said City of Monroe to which said annexed area as defined in Section 1 hereof is adjacent until such voting ward or precinct shall be changed by ordinance of the City of Monroe.

Sec. 4. That on and after the effective date of this Act all peace officers of the City of Monroe be and they are hereby clothed with all the powers as peace officers which they now possess within the corporate limits of the City of Monroe and throughout all that territory extending one mile, and no further, in all directions, from the corporate limits of the City of Monroe, and this extended jurisdiction shall apply to the outside corporate limits lines as defined in Section 1 of this Act.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1959.

S. B. 110 **CHAPTER 424**

AN ACT TO AMEND G. S. 15-200 TO ENLARGE THE JURISDICTION OF THE SUPERIOR COURTS IN PROBATION MATTERS.

The General Assembly of North Carolina do enact:

Section 1. That Section 15-200 of the General Statutes of North Carolina is hereby amended by adding the following paragraph at the end of said Section:

"Where a probationer resides in, or violates the terms of his probation in, a county and judicial district other than that in which said probationer was placed on probation, concurrent jurisdiction is hereby vested in the Resident Judge of Superior Court of the district in which said probationer resides or in which he violates the terms of his probation, or the Judge of Superior Court holding the courts of such district, or a Judge of the Superior Court commissioned to hold court in such district, to issue warrants for the arrest of such probationer, to discharge such probationer from probation, to continue, extend, suspend or terminate the period of probation of such probationer, and to revoke probation and enter judgment or put into effect suspended sentences of probation judgment, for breach of the conditions of probation, as fully as same might be done by the courts of the county and district in which such probationer was placed on probation, when such probationer was originally placed on probation by a Superior Court Judge; provided, that the court may, in its discretion, for good cause shown, and shall on request of the probationer, return such probationer for hearing and disposition to the county or judicial district in which such probationer was originally placed on probation.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

S. B. 270 **CHAPTER 425**

AN ACT TO REPEAL CHAPTER 426 OF THE PUBLIC-LOCAL LAWS OF 1919 RELATING TO METER ADJUSTERS IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 426, Public-Local Laws of 1919, as amended by Chapter 592 of the Public-Local Laws of 1919, as amended by Chapter 600 of the Public-Local Laws of 1919, as amended by Chapter 505 of the Public-Local Laws of 1921, as amended by Chapter 655 of the Public-Local Laws of 1923, as amended by Chapter 289 of the Public-Local Laws of 1933, as amended by Chapter 515 of the Session Laws of 1953, is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective as of the first Monday in December 1962.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

S. B. 271 CHAPTER 426

AN ACT TO AMEND CHAPTER 271 OF THE PUBLIC-LOCAL LAWS OF 1929 RELATING TO THE EMERGENCY AND PENSION FUND FOR LAW ENFORCEMENT OFFICERS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 271 of the Public-Local Laws of 1929 is amended by striking out the comma following the word "crime" in line five, inserting a period therefor, and by striking out in lines five, six and seven the words "and such special or part-time peace officers as may be killed or permanently injured while in the actual discharge of official duties as such officers."

Sec. 2. The third paragraph of Section 4 of Chapter 271 of the Public-Local Laws of 1929 is amended by inserting between the word "institution" and the word "in" in line seven the words "or savings and loan associations."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

S. B. 272 CHAPTER 427

AN ACT TO AMEND ARTICLE 36 OF CHAPTER 160 OF THE GENERAL STATUTES SO AS TO MAKE THE SAME APPLICABLE TO NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-453 is hereby amended by striking out in lines 4 and 5 thereof the words "New Hanover County or".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 188 **CHAPTER 428**

AN ACT TO AMEND G. S. 14-401.5, PROHIBITING FORTUNE TELLING, SO AS TO MAKE THE SAME APPLICABLE TO CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-401.5 is hereby amended by inserting the word "Currituck," between the words "Cumberland" and "Dare" in the third line of the third paragraph of said Section as the same appears in the 1957 Cumulative Supplement to the General Statutes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 436 **CHAPTER 429**

AN ACT APPOINTING CERTAIN MEMBERS OF THE FAIRMONT CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That pursuant to the provisions of Chapter 307, Session Laws of 1955, Dr. P. C. Purvis, W. Linwood Floyd and James R. Oliver be and they are hereby appointed members of the Fairmont City Board of Education, formerly designated as the Board of Trustees of the Fairmont City Administrative School Unit, for terms of four years each from and after July 1, 1959, and until their respective successors are duly appointed and qualified.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 441 **CHAPTER 430**

AN ACT DESIGNATING SUCCESSOR TRUSTEES OF THE EDENTON ACADEMY CREATED BY CHAPTER 39, PUBLIC LAWS OF 1800, AND AMENDED BY CHAPTER 4, PUBLIC LAWS OF 1844, AND AUTHORIZING SUCH TRUSTEES TO EXECUTE A CONVEYANCE OF CERTAIN SCHOOL PROPERTY BOUNDED BY QUEEN AND CHURCH STREETS IN THE TOWN OF EDENTON TO THE EDENTON CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That William E. Bond, Joseph H. Conger, Jr., Junius W. Davis, J. E. Debnam, Jr., Richard F. Elliott, John W. Graham, William P.

Jones, James E. Wood and John Gilliam Wood, Jr., be and they are hereby named and designated as Trustees of the Edenton Academy, a body politic and corporate, created and established by Chapter 39, Public Laws of 1800, and amended by Chapter 4, Public Laws of 1844, all of the successor trustees named in accordance with said Act and the amendment thereto being now dead. And the said William E. Bond, Joseph H. Conger, Jr., Junius W. Davis, J. E. Debnam, Jr., Richard F. Elliott, John W. Graham, William P. Jones, James E. Wood and John Gilliam Wood, Jr., are hereby continued as a body politic and corporate, to be known and designated by the name of "Trustees of Edenton Academy" and by that name shall have perpetual succession.

Sec. 2. The Trustees of Edenton Academy named in Section 1 of this Act are hereby authorized and empowered to convey in fee simple to the Edenton City Board of Education any real estate now owned by the said Board of Trustees of Edenton Academy and particularly that piece or parcel of land in the Town of Edenton conveyed by David Young and wife, Elizabeth Mary Young, Samuel Russell Clarkson and Dorothy Skinner to Samuel Johnston, et al, as Trustees of said Edenton Academy, and their successors forever, said deed being dated May 14, 1800, and being duly recorded in the office of the Register of Deeds for Chowan County in Deed Book B—No. 2 on pages 176 et seq; and being the same property leased by the Board of Trustees of Edenton Academy to the Trustees of Edenton Graded Schools by lease dated September 15, 1903, renewed for a period of 50 years after its expiration on September 15, 1923, said renewal lease being duly recorded in the office of said Register of Deeds in Deed Book M at page 575 et seq.

The Trustees of Edenton Academy named in Section 1 of this Act are likewise authorized and empowered to quitclaim and release to the Edenton City Board of Education any reversionary interest which they now have or may have at any time in the future in and to the property leased by the Trustees of the Edenton Academy to the Board of Trustees of the Edenton Graded Schools by the lease and renewal thereof referred to in this Section, and they are likewise fully authorized and empowered to withdraw and cancel any and all conditions contained in said lease as to the use of said property for school purposes for the white race or for the purpose of education of the white race, so that the said City Board of Education may sell and convey an indefeasible and unconditional title in fee simple to said property in the event the same is abandoned for use as school property: Provided, however, that in the event of a sale of such property by the Edenton City Board of Education, the proceeds from the sale thereof shall be used for the purpose of purchasing another school site or for such other educational purposes as may be determined by said City Board of Education, and said proceeds shall be used for no other purpose.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 448 CHAPTER 431

AN ACT TO PROMOTE THE ESTABLISHMENT AND DEVELOPMENT OF EDUCATIONAL FACILITIES AND PROGRAMS FOR SELECTED INMATES OF THE STATE PRISON SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. (a) The State Prison Department is authorized to take advantage of aid available from any source in establishing facilities and developing programs to provide inmates of the State Prison System with such academic and vocational education as seems most likely to facilitate the rehabilitation of these inmates and their return to free society with attitudes, knowledge, and skills that will improve their prospects of becoming law-abiding and self-supporting citizens. The State Department of Public Instruction is authorized to cooperate with the State Prison Department in planning academic and vocational education of prison system inmates, but the State Department of Public Instruction is not authorized to expend any funds in this connection.

(b) In expending funds that may be made available for facilities and programs to provide inmates of the State Prison System with academic and vocational education, the State Prison Department shall give priority to meeting the needs of inmates who are less than twenty-one years of age when received in the prison system with a sentence or sentences under which they will be held for not less than six months nor more than five years before becoming eligible to be considered for a regular parole. These inmates shall be given appropriate tests to determine their educational needs and aptitudes. When the necessary arrangements can be made, they shall receive such instruction as may be deemed practical and advisable for them.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 478 CHAPTER 432

AN ACT AMENDING G. S. 115-74 SO AS TO PROVIDE THAT WHEN DISTRICT LINES ARE CHANGED AS BETWEEN AND AMONG DISTRICTS THAT HAVE VOTED THE SAME RATE OF SUPPLEMENTAL TAX, THE SAME SHALL NOT HAVE THE EFFECT OF ABOLISHING SUCH TAX.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-74 be and the same is hereby amended by adding at the end of the first paragraph thereof the following:

"Provided that when changes in district lines are made between and among school districts that have voted upon themselves the same rate of supplemental tax, such changes in district lines shall not have the effect of abolishing any of such districts or of abolishing any supplemental taxes that may have been voted in any of such districts."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 482 CHAPTER 433

AN ACT PROVIDING FOR THE ELECTION OF MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION AND FIXING THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 76, Session Laws of 1943 as rewritten by Section 2 of Chapter 596, Session Laws of 1957, be and the same is hereby amended by adding at the end thereof the following:

"(a) The names of the persons so nominated by each political party from the respective five districts shall be placed on the official county ballots of Moore County, with the district from which each candidate is nominated appearing opposite his name, and the candidates so nominated from the respective districts shall be voted upon by the qualified voters of the county at large at the general election to be held in said county in 1960, and biennially thereafter. The candidate from each of the five districts receiving the highest number of votes in the general election shall be declared elected to represent his respective district as a member of the Moore County Board of Education. The members of the board of education elected at the general election in the year 1960 shall qualify by taking the oath of office on the first Monday in December next succeeding their election. A failure to qualify within that time shall constitute a vacancy. Those persons elected or appointed to fill a vacancy must qualify within thirty (30) days after their appointment or election, and a failure to qualify within that time shall constitute a vacancy.

"(b) The members of said board elected at the general election in the year 1960 shall hold office for a period of two years from and after the first Monday in December, 1960, and until their successors are chosen and qualified, and their successors shall be chosen for terms of two years each.

"(c) Any vacancy occurring in said board of education by death, resignation or otherwise, shall be filled as is now provided by State law for the filling of vacancies in county boards of education, but such person appointed to fill the vacancy shall be from the same district as the person whose death, resignation or removal created the vacancy on the board. If a person who has been nominated as a candidate from any district dies or

removes himself or for any other reason cannot be a candidate in the general election, a candidate shall be appointed from the district which such person represented by the executive committee of the political party of which the dead or disqualified candidate was a member. Such appointee shall have his name placed upon the ballot to be voted upon in the general election the same as any candidate who has been nominated in a primary.

"(d) If there is no candidate from any district, this shall constitute a vacancy which shall be filled as hereinabove provided."

Sec. 2. All laws and clauses of laws in conflict with the provisions of of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 491 CHAPTER 434

AN ACT TO AMEND G. S. 160-176 RELATING TO CHANGES IN ZONING ORDINANCES BY MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-176, as the same appears in the 1952 Recompiled Volume 3C of the General Statutes of North Carolina, is hereby amended by rewriting said Section to read as follows:

"Changes. Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change signed by the owners of twenty per cent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending one hundred feet therefrom, or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths of all the members of the legislative body of such municipality. The provisions of the previous Section relative to public hearings and official notice shall apply equally to all changes or amendments."

Sec. 2. It is the purpose and intent of this Act to extend the protest provision of G. S. 160-176 to the owners of twenty per cent or more of each of the areas of the lots on either side of and extending one hundred feet from any area included in proposed changes or amendments of municipal zoning ordinances.

Sec. 3. This Act shall operate prospectively and shall apply to amendments initiated by notice published subsequent to the effective date of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon July 1, 1959.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 533 **CHAPTER 435**

AN ACT TO AMEND G. S. 160-66 RELATING TO TAX LEVIES FOR LIBRARIES IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-66, as the same appears in the 1957 Supplement to the General Statutes is amended by adding at the end thereof the following:

"In Polk County the Board of County Commissioners may submit to the voters of said county at a special election or at any election the question of whether or not a special tax shall be levied for the support of a library within the meaning of Article 8 of Chapter 160 of the General Statutes, 1957 Supplement. Said election may be called without the necessity of a petition signed by the voters of Polk County equal in number to at least fifteen per cent (15%) of the total number of votes cast for the office of Governor in the last preceding election of said county."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 534 **CHAPTER 436**

AN ACT TO AMEND G. S. 115-19 RELATING TO THE NOMINATION AND ELECTION OF MEMBERS OF THE BOARD OF EDUCATION OF POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any public-local or local Act to the contrary, the members of the Board of Education of Polk County shall be nominated and elected as prescribed by G. S. 115-19, 1957 Supplement to the General Statutes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 559 **CHAPTER 437**

AN ACT TO INCREASE THE NUMBER OF DEPUTY SHERIFFS IN WILKES COUNTY, TO FIX THEIR SALARIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 657 of the Session Laws of 1957 is hereby amended by:

(1) Striking out all the Section following the word "Court", in line 3 of Section 4 thereof, and substituting therefor the words and figures: "the sum of not less than eighteen hundred dollars ($1800.00) nor more than twenty-four hundred dollars ($2400.00) to be fixed by the board of county commissioners, to be used by the Clerk of Superior Court for the employment of clerical assistance in his office, retroactive to January 1, 1959."; and

(2) Inserting following Section 8 thereof two new Sections to be numbered Section 8.1 and Section 8.2 and to read as follows:

"Sec. 8.1. The Chief Deputy Sheriff of Wilkes County shall receive an annual salary of four thousand dollars ($4,000.00), payable in equal monthly installments.

"Sec. 8.2. The Sheriff of Wilkes County may in addition to chief deputy employ three additional paid deputies at an annual salary of two thousand dollars ($2,000.00) each, payable in equal monthly installments, retroactive to January 1, 1959."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 562 CHAPTER 438

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF CASWELL COUNTY TO TRANSFER CERTAIN SURPLUS CURRENT EXPENSE SCHOOL FUNDS TO THE SPECIAL SCHOOL FUND.

The General Assembly of North Carolina do enact:

Section 1. That with the approval of the board of county commissioners, the Caswell County Board of Education be and it is hereby authorized to transfer from the Current Expense School Fund of the county to the Special School Fund, heretofore established, all the surplus in said Current Expense School Fund as of June 30, 1959, as the term "surplus" is defined in G. S. 153-114(e).

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 570 **CHAPTER 439**

AN ACT TO AMEND SECTION 143-135 OF THE GENERAL STATUTES RELATING TO PUBLIC BUILDING CONTRACTS TO REGULATE THE CONSTRUCTION OF SCHOOL BUILDINGS IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 143-135 of the General Statutes by adding a proviso at the end of said Section which shall read as follows:

"Provided, that the provisions of this Article shall not apply in Moore County to the governing authority of a county administrative unit, or other proper public authority of Moore County charged with the construction of school buildings and doing or performing by or through its or their duly authorized officers or agents work in the construction of such school buildings up to and including an amount not to exceed forty thousand dollars ($40,000.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 582 **CHAPTER 440**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF WASHINGTON COUNTY TO FIX THE FEES AND COMMISSIONS WHICH MAY BE CHARGED BY THE REGISTER OF DEEDS OF WASHINGTON COUNTY FOR THE PERFORMANCE OF ANY SERVICE OR DUTY OF HIS OFFICE AS REQUIRED BY LAW.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Washington County is hereby authorized, empowered and directed to fix, in its discretion, all fees and commissions which may be charged by the Register of Deeds of Washington County for the recording of deeds, deeds of trust, liens, and any and all other instruments and for the performance of any service or duty of the said register of deeds as permitted or required by law. Such fees and commissions may be fixed from time to time, and once fixed may be changed at any time. Action to fix such fees and commissions shall be taken by resolution of the Board of County Commissioners of Washington County. Such fees and commissions may be increased or decreased not exceeding twenty per cent (20%) during any one fiscal year of the county. Until the Board of County Commissioners of Washington County takes such action to fix any fee or commission, such fee or commission shall continue to be charged as now provided by law.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 586 CHAPTER 441

AN ACT RELATING TO COLLECTION OF WINE AND BEER LICENSE TAXES IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-76 is amended by adding at the end thereof the following:

"In Franklin County, the tax collector of said county shall be charged with the duty of collecting the beer and wine license taxes prescribed by this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after May 1, 1959.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 602 CHAPTER 442

AN ACT AMENDING G. S. 115-70 SO AS TO AUTHORIZE THE POLK COUNTY BOARD OF EDUCATION TO APPOINT A SEPARATE COMMITTEE OF FIVE FOR THE NEW CONSOLIDATED HIGH SCHOOL DISTRICT RECENTLY CREATED IN THE POLK COUNTY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-70 be and the same is hereby amended by adding at the end thereof the following:

"Provided that the Polk County Board of Education be and it is hereby authorized to appoint a separate committee of five members for the new high school district recently created in the Polk County Administrative Unit. One member of said committee shall reside in each of the following elementary school districts, comprising said high school district:

The Saluda District
The Columbus District
The Cooper's Gap District
The White Oak District
The Green Creek District

"Each member of said high school committee shall be recommended by the member of the county board of education residing in the elementary school district to be represented by the particular member of said high school committee."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 606 CHAPTER 443

AN ACT TO AMEND G. S. 6-52 RELATING TO THE WITNESS FEES OF SALARIED LAW ENFORCEMENT OFFICERS IN THE CRIMINAL COURTS OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 6-52, as the same appears in Volume 1B of the General Statutes, is hereby amended by adding at the end thereof the following:

"Provided that in Wayne County all salaried law enforcement officers may prove their attendance on the first day that a criminal case in which they are a witness is scheduled for trial, and on the day that the case is actually tried, and shall receive the regular witness fee for attendance at any Superior Court or inferior criminal court sitting within the territorial boundary in which such officers have authority to make arrests; provided that in no event shall a salaried officer be entitled to witness fees for more than two days in any one case."

Sec. 2. Chapter 117, Session Laws of 1955, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

S. B. 22 CHAPTER 444

AN ACT TO AMEND G. S. 113-136 RELATING TO THE TAKING OF CLAMS, SHRIMP, FISH AND OYSTERS BY PERSONS FOR THEIR OWN PERSONAL USE.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 113-136, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is amended by adding at the end thereof the following:

"Notwithstanding any rule or regulation heretofore or hereafter adopted by the Board of Conservation and Development or any law to the contrary, any person may at any time take shrimp, fish and clams from the waters of the State for his own personal or family use except from polluted areas so designated by the State Board of Health and except from areas closed by the Board of Conservation and Development for planting purposes.

"Any person may at any time during the closed season take oysters from the open waters of the State during Tuesday and Friday of each

week for his own personal or family use and consumption not to exceed one bushel per person; provided, however, that the possession at any one time of more than the quantity herein provided for shall be prima facie evidence that the possession is unlawful and for the purpose of sale. No boat may be used to take more than five bushels of oysters per day from the waters of the State during the closed season. If any person shall sell or offer for sale any clams, fish, shrimp or oysters taken for his own personal or family use, he shall be guilty of a misdemeanor and upon conviction shall be fined fifty dollars ($50.00) or imprisoned not exceeding thirty (30) days."

Sec. 1½. This Act shall not be construed to authorize any taking of fish in the inland waters of this State in violation of rules and regulations adopted by the Wildlife Resources Commission pursuant to any laws in effect at the time this Act becomes effective.

Sec. 1¾. The provisions of this Act shall apply only to Brunswick, New Hanover and Pender Counties.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 310 CHAPTER 445

AN ACT RELATIVE TO THE TAXATION OF DRY CLEANING AND LAUNDRY PLANTS AND SOLICITORS OF DRY CLEANING AND LAUNDRY WORK.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-74 as same appears in the 1958 Replacement Volume 2C is hereby amended by inserting a new paragraph immediately preceding the paragraph on page 575 beginning with "Cities and towns of under 10,000 population", which new paragraph shall read as follows:

"Every person, firm or corporation engaged in the business of soliciting dry cleaning and/or pressing work to be done by a dry cleaning plant which has not paid the State license tax levied herein shall pay a tax of two hundred dollars ($200.00) for each vehicle used in carrying the dry cleaning and/or pressing work, and the license issued by the Commissioner of Revenue shall be carried in the cab of any vehicle so employed. Counties, cities and towns may levy a tax upon such persons, firms or corporations not in excess of that levied by the State."

Sec. 2. G. S. 105-74 as same appears in the 1958 Replacement Volume 2C is hereby further amended by inserting a new paragraph immediately following the paragraph on page 575 beginning "Cities and towns of under 10,000 population", which new paragraph shall read as follows:

"Counties, cities and towns may not collect a privilege license tax under this Section unless the State license tax, if due, has been first paid."

Sec. 3. G. S. 105-85 as same appears in the 1958 Replacement Volume 2C is hereby amended by inserting a new paragraph immediately preceding the paragraph on page 581 beginning "Counties, cities and towns, respectively,", which new paragraph shall read as follows:

"Every person, firm or corporation engaged in the business of soliciting laundry work to be done by a laundry or plant which has not paid the State license tax levied herein shall pay a tax of two hundred dollars ($200.00) for each vehicle used in carrying the laundry work, and the license issued by the Commissioner of Revenue shall be carried in the cab of any vehicle so employed. Counties, cities and towns may levy a tax upon such persons, firms or corporations not in excess of that levied by the State."

Sec. 4. G. S. 105-85 as same appears in the 1958 Replacement Volume 2C is hereby further amended by inserting a new paragraph immediately following the paragraph beginning on page 581 with the words "Counties, cities and towns, respectively,", which shall read as follows:

"Counties, cities and towns may not collect a privilege license tax under this Section unless the State license tax, if due, has been first paid."

Sec. 5. G. S. 105-85 as same appears in the 1958 Replacement Volume 2C is hereby further amended as follows:

(a) By inserting between the word "towels" and the comma in the fifth line of the first paragraph the words "or wearing apparel".

(b) By inserting in the second line of the third paragraph between the words "towels" and "in" the words "or wearing apparel".

(c) By inserting in the third line of the third paragraph between the words "supply" and "business" the words "or wearing apparel supply".

(d) By inserting in the eighth line of the third paragraph between the words "work" and "in" the words "or wearing apparel supply work".

(e) By inserting in the ninth line of the third paragraph between the words "supply" and "establishment" the word "or wearing apparel supply".

(f) By inserting in the twelfth line of the third paragraph between the words "towels" and "shall" the words "or wearing apparel".

(g) By inserting in the fourth line of the fourth paragraph between the words "towels" and "in" the words "or wearing apparel".

(h) By inserting in the fifth line of the fourth paragraph between the words "towels" and "are" the words "or wearing apparel".

(i) By inserting in the fourth and in the sixth lines of paragraph five between the words "towels" and the periods in said lines the words "or wearing apparel".

Sec. 6. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act or the application of such provisions to other persons or circumstances shall not be affected thereby.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect on and after June 1, 1959.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 463 CHAPTER 446

AN ACT TO RE-ENACT ARTICLE 22 OF CHAPTER 143 OF THE GENERAL STATUTES RELATING TO THE CREATION, AUTHORITY, AND POWERS OF THE NORTH CAROLINA STATE PORTS AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. Article 22, of Chapter 143, of the General Statutes of North Carolina, creating the North Carolina State Ports Authority, to the extent that all or any part of said Article was heretofore repealed by Chapters 269 or 584, of the Session Laws of 1957, the same is hereby re-enacted.

Sec. 2. This Act shall have full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 611 CHAPTER 447

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF GRAHAM COUNTY TO TRANSFER THE SUM OF THREE THOUSAND DOLLARS FROM THE DEBT SERVICE FUND TO THE GENERAL FUND OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Graham County is hereby authorized to transfer up to three thousand dollars ($3,000.00) of the surplus monies in the Debt Service Fund to the General Fund of Graham County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 612 CHAPTER 448

AN ACT TO AUTHORIZE THE CHARLOTTE AND MECKLENBURG SCHOOL BOARDS TO CO-OPERATE WITH OTHER AGENCIES IN PROVIDING RECREATIONAL FACILITIES IN CHARLOTTE AND MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Charlotte and Mecklenburg County School Boards and their successors, hereinafter called the boards, the Charlotte Park and Recreation Commission and its successors, hereinafter called the commis-

sion, and other governmental agencies of Mecklenburg County and the City of Charlotte are hereby specifically authorized and empowered to co-operate in the furtherance of joint projects involving the use of property belonging to or held by the boards, other agencies, or the commission, or either of them, for recreation purposes, which co-operation among the various parties may extend to the expenditure of funds, furnishing of facilities, including the use of land, and sharing in the expenses connected with joint projects all in the interest of more adequate recreational facilities for the people residing in and near Mecklenburg County. In connection with such joint projects, the boards are hereby specifically authorized to:

(1) Allow the use of their facilities for recreational purposes without requiring any bond to indemnify them against damages thereto;

(2) Lease their land or facilities to the commission for such terms as they may determine and to reimburse the commission for improvements placed upon the land upon the termination of the lease even though such termination may occur more than one year after the date of the lease;

(3) Share with the commission in the expense of repairs, completed projects, buildings, or structures on property owned by the boards and accomplished by or through the duly elected officers or agents of the commission, where the same fall within the provisions of G. S. 143-135; and

(4) Generally make contracts with the commission providing for the payment of money or the fulfillment of obligations not authorized in the budget of the boards irrespective of the provisions of G. S. 115-48, G. S. 115-52, or any other statute.

Sec. 2. No action taken by the Charlotte or Mecklenburg County School Boards pursuant to the provisions of this Act shall result in the personal liability of any member of such boards.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 648 CHAPTER 449

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY TO ADOPT BY RESOLUTION THE COUNTY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Mecklenburg County is hereby authorized and empowered to adopt by resolution the county manager form of government as set forth in Article 3 of Chapter 153 of the General Statutes. The resolution providing for the county manager form of government may be adopted by said board in any odd-numbered year and shall become effective in December of the following even-numbered year when the new board of county commissioners are sworn in and take office as hereinafter provided.

Sec. 2. At the general election following the adoption of the resolution providing for the county manager form of government, there shall be elected five members for the Board of County Commissioners of Mecklenburg County. The board of county commissioners so elected at said general election shall be authorized and empowered to appoint a county manager and to fix his salary. The said board of county commissioners shall also appoint from their number one person to serve as Chairman of the Board of County Commissioners of Mecklenburg County. Each member of said board of county commissioners shall receive for his services the sum of twelve hundred dollars ($1200.00) per annum, payable in twelve (12) equal monthly installments. The chairman shall be paid an additional six hundred dollars ($600.00) per annum, payable in the same manner.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 657 CHAPTER 450

AN ACT TO REQUIRE PERSONS, FIRMS AND CORPORATIONS TO FURNISH, UPON REQUEST OF THE REGISTER OF DEEDS OF WASHINGTON COUNTY, BLANK COPIES OF SALES CONTRACTS, RETAIN TITLE CONTRACTS, MORTGAGES AND ALL OTHER FORMS OF INSTRUMENTS USED BY SAID PERSONS, FIRMS AND CORPORATIONS IN THE TRANSACTION OF THEIR BUSINESS AND WHICH ARE RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

Section 1. That upon request, in writing, made by the Register of Deeds of Washington County, it shall be the duty of any person, firm or corporation using blank forms in the transaction of their business, which said forms are filled out, executed and registered in the Office of the Register of Deeds of Washington County, to furnish to the said register of deeds a copy of any and all such forms as so designated and requested by said register of deeds.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 663 **CHAPTER 451**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF AYDEN TO EXECUTE A DEED RECONVEYING CERTAIN PROPERTY SITUATED IN PITT COUNTY TO E. F. DENNIS AND WIFE.

WHEREAS, on May 22, 1957, the Town of Ayden purchased from E. F. Dennis and wife, Gracie T. Dennis, a certain tract of land situated on the edge of the Town of Ayden for use as a pumping station site for a new sewer system; and

WHEREAS, after the engineering had been completed, it was decided that the said tract of land would not be needed for the pumping station; and

WHEREAS, since the said tract of land was sold to the Town of Ayden for the consideration of one hundred seventy-five dollars ($175.00), the governing body of the Town of Ayden now desires to reconvey said tract of land to E. F. Dennis and wife, Gracie T. Dennis, for the same consideration of one hundred seventy-five dollars ($175.00): Now, therefore, *The General Assembly of North Carolina do enact:*

Section 1. The governing body of the Town of Ayden, in Pitt County, is hereby authorized and empowered to execute on behalf of the Town of Ayden a deed reconveying to E. F. Dennis and wife Gracie T. Dennis, for the consideration of one hundred seventy-five dollars ($175.00), a certain tract of land situated on the edge of the Town of Ayden and being more particularly described as follows:

Lying and being on the South side of the Snow Hill Highway or Street and West of the Town of Ayden and beginning at Jasper Gardner's northwest corner in the edge of the right-of-way of said highway and running in a southerly direction with the Gardner line 70 feet to a stake; thence North 74-00 West 30 feet to a stake; thence in a northeasterly direction in a line parallel with the first line 60 feet to the highway right-of-way; thence with the highway right-of-way; in an easterly direction to the point of beginning, being the plot of land shown on the map made by River's and River's Engineers on May 18, 1957 showing site of proposed Pumping Station No. 2, Ayden, North Carolina, and the same being recorded in Book 29, Page 507, in the Pitt County Register of Deeds office.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

H. B. 697 **CHAPTER 452**

AN ACT TO AUTHORIZE THE EXPENDITURE OF CERTAIN SURPLUS FUNDS FOR THE ERECTION OF A COUNTY BUILDING IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Polk County is hereby authorized to expend any surplus funds which remain in the General Fund, Poor Fund, Debt Service Fund and School Budget Tax Surplus Fund at the end of the fiscal year ending June 30, 1959 and fiscal year ending June 30, 1960, which are not needed for present current operation of these funds for fiscal years 1959-1960, for the purpose of building or purchasing a new county office building, for the equipping of the new office building and for the purchase of necessary land for the new county office building.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

S. B. 287 **CHAPTER 453**

AN ACT TO EXTEND THE POWER OF ARREST TO OFFICERS AND MEN OF UNITS OF THE NATIONAL GUARD IN CERTAIN EMERGENCIES.

The General Assembly of North Carolina do enact:

Section 1. In the event members of the North Carolina National Guard are called out by the Governor pursuant to the authority vested in him by the Constitution, they shall have such power of arrest as may be reasonably necessary to accomplish the purpose for which they have been called out.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1959.

H. B. 440 **CHAPTER 454**

AN ACT TO PROVIDE FOR THE ELECTION OF THE COUNTY BOARD OF EDUCATION IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the general county election to be held in Chowan County in 1960 and biennially thereafter there shall be elected six members for the Chowan County Board of Education. At said election the six candidates

receiving the highest number of votes cast shall be deemed elected and shall serve for terms of two years each on said board of education. Any vacancy on the county board of education for any cause shall be filled by the remaining members of the board for the unexpired term. All members of the board of education shall serve until their successors are duly elected and qualified. The nomination and election of the members of the said board of education shall be held at the same time and in the same manner as that in which other county officers are nominated and elected.

Sec. 2. The terms of the six persons named by the general Act of this 1959 General Assembly as members of the Chowan County Board of Education shall continue until their successors are duly elected and qualified as herein provided.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1959.

H. B. 538 CHAPTER 455

AN ACT TO AMEND CHAPTER 225, PRIVATE LAWS OF 1927, TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF NEWPORT IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 225, Private Laws of 1927, is hereby amended by adding at the end thereof the following:

"The corporate limits of the Town of Newport, in Carteret County, are hereby extended to include and embrace the following described areas:

"BEGINNING at a point in the center of the Atlantic & North Carolina Railroad track where the same is intersected by the North line of the town limits of Newport; runs thence South 58 degrees West, along the present line of the town limits, 1870 feet to a point in the old J. L. Bell line; thence North 4 degrees 27 minutes East, (North 0 degrees 20 minutes West true meridian), along the old J. L. Bell line, 1963.16 feet to a point in the old W. S. Bell line, it being also the North line of the W. J. B. Shull tract; thence North 54 degrees East to the center of the Atlantic & North Carolina Railroad track; and thence South 29 degrees 04 minutes East, true meridian, along the center of the Atlantic & North Carolina Railroad track to the point of BEGINNING.

"BEGINNING at a point in the East line of the right-of-way of United States Highway 70 where the same is intersected by the North line of the town limits of Newport; runs thence North 1 degree West, along the East line of the right-of-way of United States Highway 70, 332 feet to a point, the corner of the Newport Missionary Baptist Church lot; thence South 79 degrees 27 minutes East, along the North line of the Newport Missionary Baptist Church lot, 188 feet to a point; thence South 0 degrees 30 minutes East, along the East line of the Newport Missionary Baptist Church lot, 240 feet to the North line of McCain Avenue; thence North 89 degrees 25

minutes East, along the North line of McCain Avenue, 288 feet to a point; and South 74 degrees 55 minutes East, continuing along the North line of McCain Avenue, 370 feet to the West line of Church Street, thence South 14 degrees 40 minutes West, along the West line of Church Street, 60 feet to the town line ditch, the present town line; thence North 74 degrees 55 minutes West, along the present town line, 351 feet; and thence South 89 degrees 25 minutes West, continuing along the present town line, 473 feet to the East line of United States Highway 70, the point of BEGINNING."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1959.

H. B. 613 CHAPTER 456

AN ACT TO CREATE THE CHARLOTTE-MECKLENBURG RECREATION COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Section 54 of Chapter 366 of the Public-Local Laws of 1939, as amended, is hereby rewritten to read as follows:

"Sec. 54. (a) Charlotte-Mecklenburg Recreation Commission Created; Purpose. There is hereby created in the City of Charlotte and the County of Mecklenburg a joint commission to be known as the Charlotte-Mecklenburg Recreation Commission, which shall have the powers and duties hereinafter set forth.

"(b) Membership; Terms of Office; How Appointed. The Commission shall consist of 11 members who shall be appointed as follows:

(1) Seven members appointed by the Charlotte City Council in the following manner:

a. The first members of the Commission who shall be deemed to have been appointed by the city council shall be those persons now serving terms of office on the present Charlotte Park and Recreation Commission, hereby abolished, who shall continue to serve on the Charlotte-Mecklenburg Commission for terms equal to the unexpired terms held on the Charlotte Commission. They are Mr. L. M. McEwen, Jr., whose term shall expire on March 21, 1960; Mr. Ernest J. Sifford and Mr. J. B. Clark, whose terms shall expire on March 21, 1961; Mr. J. H. Murnick, whose term shall expire on March 21, 1962; Mr. R. P. Steffey, whose term shall expire on March 21, 1963; and Mr. Joseph W. Grier, Jr., and Mrs. Robert D. Howerton, whose terms shall expire on March 21, 1964.

b. Upon the expiration of each of the terms of those seven members as set out in the preceding paragraph, the Charlotte City Council shall appoint successor members of the Charlotte-Mecklenburg Commission who shall serve for terms of five years each and until successors are appointed for like terms.

(2) Four members appointed by the Mecklenburg County Commissioners in the following manner:

a. Immediately following the date when this Act becomes effective, as hereinafter provided, the Mecklenburg Board of County Commissioners shall meet and appoint to the Commission four members, whose terms shall commence on appointment and one of whom shall be appointed for a term to expire March 21, 1963, one for a term to expire March 21, 1962, one for a term to expire March 21, 1961, and one for a term to expire March 21, 1960.

b. Upon the expiration of each of the terms of those four members provided for in the preceding paragraph, the Mecklenburg County Commissioners shall appoint successor members of the Commission who shall serve for terms of five years and until successors are appointed for like terms.

Vacancies occurring on the Commission otherwise than by expiration of a term, shall be filled by appointment for the unexpired term to the vacant office by the authority originally appointing the member whose office has been vacated.

"(c) Powers, Purposes and Duties of the Commission. The powers, purposes and duties of the Charlotte-Mecklenbug Recreation Commission shall include:

(1) The acquisition by purchase, gift, lease or otherwise, of parks, playgrounds and other property and use of the same, or the proceeds, for parks, playgrounds or other recreational purposes in and near the County of Mecklenburg, in the interest of providing adequate healthful recreation facilities for all the citizens of Mecklenburg County and vicinity;

(2) Using, laying out, improving and maintaining those recreational facilities acquired, and providing therefor such playground equipment, swimming pools, baseball grounds, tennis courts, and such other facilities and equipment for recreation and play as the Commission may deem necessary or desirable;

(3) The making of such reasonable rules and regulations for its own proper organization and procedure, and the management, control and improvement of those recreational facilities acquired, including the expenditure of such funds as may be or become available for the improvement or management thereof and the charging of reasonable fees for the use of such facilities as well as reasonable entrance fees for the viewing of exhibitions played or performed thereon, provided such rules and regulations are not inconsistent with the laws of the State of North Carolina or the ordinances of Mecklenburg County or the City of Charlotte.

(4) Election from its membership of all officers necessary to the efficient management and operation of the Commission and all funds coming into the hands of the Commission, including a chairman, vice-chairman, and secretary. At is first meeting the Commission shall elect officers to serve until the following March 21st, and thereafter the Commission shall elect officers annually to serve for one year and until their successors are elected. The members of the Commission and its officers shall receive no compensation. The Treasurer of the City of Charlotte shall, by virtue of

his office, also be the Treasurer of the Commission, and shall serve as such treasurer without compensation. All funds coming into the hands of the Commission shall be held by the treasurer, who shall pay out said funds only on vouchers approved by such person or persons as the Commission may from time to time designate. At all meetings of the Commission, a majority of the entire membership of the Commission shall constitute a quorum.

(5) The employment of a superintendent and such other employees as may be necessary for the proper implementation of the purposes and duties of the Commission.

(6) The power to sue and be sued in its own name as the Charlotte-Mecklenburg Recreation Commission, as a corporate body; to have a common seal; and to contract and be contracted with for the proper implementation and carrying out of the purposes and duties of the Commission. The power to hold title to property and transfer and convey the same in its name by its officers in the same manner as business corporations, subject to the limitations herein contained.

(7) Cooperating and coordinating with commissions, clubs, departments, corporations or other organizations in other counties, cities and towns, including but not limited to those organized under the provisions of G. S. 160-155, et seq., both within and without the State of North Carolina, which are engaged in providing recreation.

"(d) Limitations on Powers. The Commission shall not have the power to:

(1) Mortgage or encumber property owned by it or under its control or supervision otherwise than as hereinafter provided;

(2) Borrow money from any source whatsoever, but the governing bodies of the City of Charlotte or Mecklenburg County may in their discretion advance and lend to the Commission in anticipation of uncollected taxes such sums, not exceeding in the aggregate at any time the total amount of taxes theretofore levied for the purposes of the Commission and then remaining uncollected. In the event of such an advancement in anticipation of uncollected taxes the city or the county making the advancement shall have a lien upon such uncollected taxes for the amount of such advancement and shall reimburse itself for such amounts out of such taxes as and when collected.

Provided that, the Commission is hereby authorized and empowered to lease or rent any property owned by it or under its supervision or control for a period of time not to exceed twenty years by and with the consent of the governing bodies of the City of Charlotte and Mecklenburg County; and provided further that any property owned by the Commission can be sold or exchanged by and with similar consent given. The provisions of subdivision (1) of this subsection shall not be construed to prohibit the Commission, by and with the consent of the governing bodies of the city and county, from buying property within or without Mecklenburg County, and paying therefor by cash or by deferred payments, secured by notes or bonds or mortgages or deeds of trust on the land so purchased, so long as the land purchased is the sole security for the payment of such notes, bonds,

mortgage or deed of trust and provided the purchase cannot in any wise be a charge upon the general credit of the City of Charlotte, Mecklenburg County or the Charlotte-Mecklenburg Recreation Commission, and provided further that the Commission shall not create, in the aggregate, annual deferred payments on principal and interest in such purchases of real estate which exceed twenty per cent (20%) of the average annual income of said Commission, computed on the basis of annual income received by the Commission for a period of three years prior to the time of such purchase.

"(e) Levy of Taxes for Maintenance and Support of Commission. The Charlotte City Council and the Mecklenburg Board of County Commissioners, at the time of levying taxes for the general operation of the city and the county, respectively, are hereby authorized to levy a tax for the maintenance and support of the Commission in an amount not to exceed the amount heretofore or hereafter approved by a vote of the people of the city and the portion of the county outside the city, respectively, for such purpose, and shall pay the proceeds of such taxes over to the Commission as collected by the city or county, in monthly payments, provided that only property lying outside the limits of the City of Charlotte may be taxed by the county for this purpose and only that property lying inside the limits of the city may be taxed by the city for this purpose. Such taxes as provided for herein shall not preclude the levy of any additional taxes that may be lawfully assessed for the benefit of the Commission or other public recreational purposes by the city or the county or any other municipality having authority to levy taxes and located in Mecklenburg County. Authority is hereby granted to the city and the county to call special elections for the purposes of this subsection.

"(f) Transfer of Ownership of Property; Change of Beneficiary of Revenues. All property, real and personal, heretofore owned or possessed by the Charlotte Park and Recreation Commission and duties and obligations connected therewith are hereby transferred and conveyed to the Charlotte-Mecklenburg Recreation Commission as successor to the Charlotte Park and Recreation Commission, and all moneys, funds, and revenues heretofore going to and received by the Charlotte Park and Recreation Commission shall hereafter go to and be received by the Charlotte-Mecklenburg Recreation Commission as successor to the said Charlotte Park and Recreation Commission, including but not limited to taxes levied by the City of Charlotte, revenues from Mecklenburg County Alcoholic Board of Control funds and State intangible taxes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective only upon approval by the voters of the portion of Mecklenburg County outside the City of Charlotte of a tax levy under the provisions of subsection (e) of Section 54, providing for a levy of not to exceed five cents (5¢) per hundred dollars ($100.00) valuation, for the uses and purposes of the Commission, except that authority is hereby granted to the governing body and Board of Elections of

Mecklenburg County to call such an election and to this extent this Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1959.

H. B. 647 CHAPTER 457

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF PINEVILLE IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Pineville in Mecklenburg County are hereby extended so as to include within the corporate boundaries of said town all the territory described as follows:

BEGINNING at a stake on the present southern town limit line of the Town of Pineville which is 2640 feet South from Lowry's store located on Main Street in said town; thence South 53 degrees 45 minutes East 29 feet to a stake; thence South 9 degrees 11 minutes West 164.56 feet to an iron; thence South 14 degrees 49 minutes West 917.5 feet to an iron; thence North 57 degrees 29 minutes West 397.1 feet to an iron; thence North 20 degrees 57 minutes West 467.3 feet to an iron; thence North 33 degrees 10 minutes West 502 feet to a stake on the southern town limit of the Town of Pineville; thence along and with the southern town limit line South 89 degrees 12 minutes East 1014.4 feet to the point of BEGINNING.

Sec. 2. The territory annexed to the Town of Pineville as described in Section 1 of this Act contains 13.8 acres of land, more or less, which is owned in its entirety by the Town of Pineville, North Carolina.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1959.

S. B. 135 CHAPTER 458

AN ACT TO AMEND G. S. 1-175 RELATING TO THE TIME WITHIN WHICH APPLICATION FOR CONTINUANCE BEFORE TERM MUST BE MADE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-175 is hereby amended by striking out the word "thirty" in line 3 thereof and substituting therefor the words "at least fifteen".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1959.

S. B. 241 **CHAPTER 459**

AN ACT TO PROHIBIT THE TAKING OF DEER FROM PUBLIC HIGHWAYS IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to hunt, take or kill deer, or attempt to hunt, take or kill deer, by the use of firearms from the right of way of any public highway, roadway or other publicly maintained thoroughfare in Granville County.

Sec. 2. This Act shall apply to Granville County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1959.

S. B. 280 **CHAPTER 460**

AN ACT AUTHORIZING THE TRANSFER TO THE GENERAL FUND OF VANCE COUNTY OF ANY DELINQUENT TAXES HEREAFTER COLLECTED FOR THE RETIREMENT OF THE TOWNSVILLE TOWNSHIP RAILROAD BONDS.

WHEREAS, a number of years ago the voters of Townsville Township, Vance County, voted a special tax to pay the principal of and the interest on certain Townsville Township Railroad Bonds, which said Township Bonds have now been retired; and

WHEREAS, for the retirement of said bonds certain funds were advanced from the general fund of the county; and

WHEREAS, there are now outstanding certain delinquent taxes assessed for the payment of said bonds and which will be collected in the future; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the County Commissioners of Vance County be and they are hereby directed to order that any taxes heretofore assessed for the retirement of the Townsville Township Railroad Bonds and collected in the future be paid into the general fund of Vance County.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1959.

S. B. 294 **CHAPTER 461**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF ANGIER TO RELEASE, SETTLE OR OTHERWISE ADJUST TAXES DUE PRIOR TO JULY 1, 1949.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-403 is hereby amended by adding at the end thereof a new sentence to read as follows:

"Provided that the governing body of the Town of Angier in Harnett County shall have the power and authority in its discretion to release, discharge, remit, adjust, compromise or settle any or all delinquent taxes which were assessed and became due to the said town prior to July 1, 1949."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 7th day of May, 1959.

S. B. 295 **CHAPTER 462**

AN ACT RELATING TO THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF ANGIER.

The General Assembly of North Carolina do enact:

Section 1. Any police officer in the Town of Angier is hereby authorized and empowered to pursue, with or without process, and to arrest and take into custody, beyond the borders of said town and within a radius of one mile thereof, any person committing a crime in said town in the presence of such officer.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1959.

S. B. 296 **CHAPTER 463**

AN ACT TO AUTHORIZE THE CORONER OF HARNETT COUNTY TO APPOINT AN ASSISTANT CORONER TO ACT IN HIS ABSENCE.

The General Assembly of North Carolina do enact:

Section 1. The County Coroner of Harnett County is hereby authorized in his discretion to appoint an assistant coroner to act in his stead and in his absence as coroner. The assistant coroner is hereby vested with all the powers and duties imposed by law upon the coroner, while acting in the

absence of the coroner. He shall serve at the will of the coroner and shall receive for acting the same fees which the coroner otherwise would have received.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1959.

H. B. 527 CHAPTER 464

AN ACT TO AMEND CHAPTER 90 OF THE GENERAL STATUTES RELATING TO THE PRACTICE OF OPTOMETRY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 90 of the General Statutes is amended by deleting subparagraph 2 of G. S. 90-118 and substituting therefor the following:

"(2) He shall present to the board evidence satisfactory to the board that the applicant is a person of good moral character."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1959.

H. B. 589 CHAPTER 465

AN ACT TO AMEND G. S. 7-54 RELATING TO SPECIAL JUDGES OF SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-54 is hereby amended to read as follows:

"§ 7-54. Special Judges. The Governor of North Carolina may appoint four persons who shall possess the requirements and qualifications of Special Judges as prescribed by Article 4, Section 11, of the Constitution, and who shall take the same oath of office and otherwise be subject to the same requirements and disabilities as are or may be prescribed by law for Judges of the Superior Court, save the requirements of residence in a particular district, to be Special Judges of the Superior Court of the State of North Carolina. The Governor shall issue a commission to each of said judges so appointed whose term of office shall begin from his appointment and qualification and end June thirtieth of the year 1963, and the said commission shall constitute his authority to perform the duties of the office of a Special Judge of the Superior Court during the time named herein."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1959.

H. B. 666 CHAPTER 466

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE RELATING TO THE NUMBER OF THE BOARD OF ALDERMEN OF SAID CITY, PROVIDING FOR A VOTE BY THE MAYOR OF SAID CITY, AND PRESCRIBING THE SALARIES OF SAID MAYOR AND OTHER OFFICIALS OF SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. That the Charter of the City of Monroe as set forth in the laws of the State of North Carolina, as amended, be and the same is hereby further amended as follows:

(1) The Mayor of the City of Monroe shall have the power and authority to cast one vote, and one vote only, upon any matter pending before the Board of Aldermen of the City of Monroe at any session called or held for the Governing Body of the City of Monroe.

(2) That the membership of the board of aldermen is increased to four members, and at the general election to be conducted in the City of Monroe for the election of the board of aldermen and other elective city officials on the first Tuesday in May, 1961 and biennially thereafter, there shall be elected by the qualified voters of the City of Monroe four aldermen for the City of Monroe, who shall each serve as such alderman for a term of two years. Provided, further, that at the primary election to be held for the City of Monroe in 1961 and thereafter at least four members of said board of aldermen shall be nominated.

(3) That the salary of the Mayor of the City of Monroe shall be seventy-five dollars ($75.00) per month; that the salaries of the Board of Aldermen of the City of Monroe shall be fifty dollars ($50.00) per month each; and that the Board of Aldermen of the City of Monroe shall have the full power and authority to fix, determine and cause to be paid reasonable compensation to the members of the Planning Board of the City of Monroe.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of May, 1959.

S. B. 131 CHAPTER 467

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF COLUMBUS COUNTY TO INCREASE THE SALARIES AND TRAVEL ALLOWANCES OF COUNTY EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Columbus County shall increase the present salaries of all county employees, including those

who are employed for daily work, ten per cent (10%), except the salary of the radio operator located in the Town of Whiteville, and the Clerk of the Recorder's Court of Columbus County, who shall receive a salary of eighty-seven dollars and fifty cents ($87.50) per month, and the Judge of the Juvenile Court of Columbus County, who shall receive a salary of one hundred dollars ($100.00) per month.

Sec. 2. The Board of County Commissioners of Columbus County shall increase the travel allowances now being allowed the deputy sheriffs, fingerprint expert, county accountant, register of deeds, and assistant tax collector, twenty-five dollars ($25.00). The Sheriff of Columbus County shall receive as travel allowance the sum of one hundred seventy-five dollars ($175.00) per month. The Jailor of the County of Columbus shall receive a fee for furnishing each prisoner with a sufficient amount of food, water and necessary attendance, in an amount not to exceed one dollar and fifty cents ($1.50) per day for each prisoner.

Sec. 3. G. S. 152-5 is amended by adding a new paragraph at the end thereof to read as follows:

"In Columbus County the Coroner shall receive a fee of twelve dollars ($12.00) for holding inquest over a dead body, and if necessarily engaged more than one day, twelve dollars ($12.00) for each additional day."

Sec. 4. The Board of County Commissioners of Columbus County may from time to time, in its discretion, increase or decrease the salaries of county employees in such a manner as it deems necessary and proper.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 8th day of May, 1959.

S. B. 137 CHAPTER 468

AN ACT TO REWRITE G. S. 8-72 RELATING TO THE NOTICE REQUIRED FOR TAKING DEPOSITIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 8-72 is hereby rewritten to read as follows:

"§ 8-72. Notice Required For Taking Depositions. (a) In taking depositions in civil actions or special proceedings, written notice of the time and place of taking the deposition, specifying the name of the witness, must be served by the party at whose instance it is to be taken upon the adverse party or his attorney.

"(b) The notice provided for in this Section shall be served at least ten days prior to the taking of the deposition, computed by excluding the day on which the notice is served and including the day of the taking of the deposition, when the party served resides within the State; and shall be served at least fifteen days prior to the taking of the deposition, computed by excluding the day on which the notice is served and including

the day of the taking of the deposition, when the party notified resides without the State; provided that for good cause shown the Clerk or Judge of Superior Court may on motion of any party to the civil action or special proceeding order that more notice than herein provided be given."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after October 1, 1959.

In the General Assembly read three times and ratified, this the 8th day of May, 1959.

S. B. 160 CHAPTER 469

AN ACT TO AMEND THE FIRST PARAGRAPH OF G. S. 1-42 SO AS TO PROVIDE AN ADDITIONAL METHOD OF PROVING TITLE.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of General Statutes 1-42 is hereby amended by adding at the end thereof the following:

"Provided that a record chain of title to the premises for a period of thirty years next preceding the commencement of the action shall be prima facie evidence of possession thereof within the time required by law."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall not apply to pending litigation.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1959.

S. B. 231 CHAPTER 470

AN ACT TO FIX THE SALARY OF THE JUDGE AND THE SOLICITOR OF THE GENERAL COUNTY COURT OF DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Judge of the General County Court of Duplin County shall be paid out of the general fund of the county three hundred fifty dollars ($350.00) per month as compensation for all his services performed in such capacity.

Sec. 2. The Solicitor of the General County Court of Duplin County shall be paid out of the general fund of the county three hundred dollars ($300.00) per month as compensation for all his services performed in such capacity.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 8th day of May, 1959.

S. B. 269 **CHAPTER 471**

AN ACT TO FIX THE SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The County Auditor of New Hanover County shall receive an annual salary of seven thousand six hundred and sixty dollars ($7,660.00).

Sec. 2. The Sheriff of New Hanover County shall receive an annual salary of eight thousand dollars ($8,000.00).

Sec. 3. The Clerk of the Superior Court of New Hanover County shall receive an annual salary of seven thousand seven hundred and sixty dollars ($7,760.00).

Sec. 4. The Register of Deeds of New Hanover County shall receive an annual salary of seven thousand four hundred and sixty dollars ($7,460.00).

Sec. 5. The Judge of the Recorder's Court of New Hanover County shall receive an annual salary of eight thousand dollars ($8,000.00).

Sec. 6. The Solicitor of the Recorder's Court of New Hanover County shall receive an annual salary of seven thousand one hundred dollars ($7,100.00).

Sec. 7. The annual salary of the Chairman of the Board of County Commissioners of New Hanover County shall be fixed and paid by the board of county commissioners out of county funds.

Sec. 8. Chapter 17 of the Session Laws of 1957 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1959.

S. B. 286 **CHAPTER 472**

AN ACT TO FIX THE FEES, COSTS AND COMMISSIONS TO BE CHARGED AND COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF EDGECOMBE COUNTY AND THE CLERK EX-OFFICIO OF THE EDGECOMBE COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. On and after the effective date of this Act the fees, costs and commissions, as hereinafter set forth, shall be charged and collected by the Clerk of the Superior Court of Edgecombe County and the Clerk ex officio of the Recorder's Court of said county for services rendered in discharge of official duties; provided, however, that when a fee, cost or commission for any official service or act is not fixed herein, such fee, cost or commission shall be charged as set out in the General Statutes of North

Carolina under the appropriate Chapter and Article pertaining to such official duties, fees, costs and commissions, and which is sometimes referred to as the "General Fee Bill" of the State.

Advertising and selling under mortgage in lieu of bond, two dollars ($2.00) for sales of real estate and one dollar ($1.00) for sales of personal property.

Affidavit including jurat and certificate, thirty-five cents (35¢).

Appeal, civil and criminal matters, docketing from Clerk or any court inferior to Superior Court, one dollar ($1.00).

Appeal to the Supreme Court, including certificate and seal, three dollars ($3.00).

Apprenticing infant, including indenture, one dollar ($1.00).

Attachment, order in, one dollar ($1.00).

Arrest, for issuing order of, each defendant, one dollar and twenty-five cents ($1.25).

Auditing annual accounts and final settlements of receivers, executors, administrators, administrators with will annexed, collectors, or surviving partner, the fee shall be fifty cents (50¢) for each one hundred dollars ($100.00) or a fraction thereof of the total receipts and disbursements through one thousand dollars ($1,000.00), and ten cents (10¢) for each one hundred dollars ($100.00) or a fraction thereof on everything above one thousand dollars ($1,000.00). But in no event shall the fee be less than two dollars ($2.00) nor more than one hundred dollars ($100.00) for all reports during the complete administration of the estate; provided, that when stocks, bonds or any other personal property is delivered to any heir or distributee without converting the same into cash, these fees shall be computed and charged on the same just as though they had been converted into cash; the value of said stocks, bonds, etc., to be fixed as of the date of death, or qualification, of the fiduciary. Nothing in this Section shall be construed to allow commissions on allotment of dower, on distribution of the shares of heirs, on distribution of shares of distributees of personal property or on distribution of shares of legatees.

Auditing annual accounts and final settlement of trustees for incompetents, trustees under wills, or guardians, the fee shall be fifty cents (50¢) for each one hundred dollars ($100.00) or a fraction thereof of the total receipts and disbursements through one thousand dollars ($1,000.00), and ten cents (10¢) per each one hundred dollars ($100.00) or a fraction thereof on everything above one thousand dollars ($1,000.00), but in no event shall the fee be less than two dollars ($2.00), nor more than twenty-five dollars ($25.00) for any annual or final account; provided that when stocks, bonds, or any other personal property are received by any fiduciary or paid over to any ward or cestui que trust without converting the same into cash, these fees shall be computed and charged in the same manner just as though they had been converted into cash; the value of the said stocks, bonds, etc., to be fixed as of the date of transfer or qualification of the fiduciary.

Auditing and recording the final account of commissioners appointed to sell real estate, twenty-five cents (25¢) per hundred for first one thou-

sand dollars ($1,000.00), ten cents (10¢) per hundred for all over one thousand dollars ($1,000.00), but not to exceed thirty-five dollars ($35.00).

Bill of costs, preparing same, criminal action, forty cents (40¢).

Bill of costs, preparing same, civil actions and special proceedings, twenty-five cents (25¢) per hundred dollars ($100.00) or fraction thereof.

Bond or undertaking, including justification, one dollar ($1.00).

Cancelling notice of lis pendens, twenty-five cents (25¢).

Capias, each defendant, one dollar and a half ($1.50).

Caveat to a will, entering and docketing same for trial, three dollars ($3.00).

Certificate, fifty cents (50¢).

Commission, issuing, one dollar ($1.00).

Continuance, thirty cents (30¢).

Docketing ex parte proceeding, seventy-five cents (75¢).

Docketing liens, twenty-five cents (25¢), plus recording and indexing.

Docketing judgment, transcript from this county, seventy-five cents (75¢).

Docketing summons, fifty cents (50¢).

Execution, issuing and noting return thereon, seventy-five cents (75¢); and certifying return to clerk of any county where judgment is docketed, fifty cents (50¢).

Execution against specific property or against the person, including docketing of returns thereon, two dollars ($2.00).

Filing all papers, fifteen cents (15¢).

Guardian or trustee, appointment of; including application, oath, docketing, taking bond and justification, order for letters, recording, indexing, and filing papers, four dollars ($4.00); each certified copy of letters, fifty cents (50¢).

Empaneling jury, fifteen cents (15¢).

Indexing judgment on cross-index book, ten cents (10¢) each name.

Indexing liens on lien book, ten cents (10¢) each name.

Indictment, each defendant in the bill, seventy-five cents (75¢); docketing same, fifty cents (50¢).

Injunction, order for, including taking bond and justification, two dollars ($2.00).

Judgment final, in term time, civil action, one dollar ($1.00), plus recording.

Judgment final against each defendant in criminal actions, one dollar ($1.00).

Judgment final before the clerk, one dollar ($1.00).

Judgment by confession, without notice, all services, three dollars ($3.00).

Justice of the peace proceeding for widow's year's allowance, recording same, two dollars ($2.00); each certified copy commissioner's report, one dollar ($1.00).

Judgment, deficiency, in favor of widow for year's support, one dollar ($1.00).

Judgment nisi, entering against a defaulting witness, defendant or juror, on bail bond or recognizance, fifty cents (50¢).

Juror ticket, including jurat, ten cents (10¢).

Administrator, appointment of, including application, oath, taking bond and justification, qualification, order for letters, docketing, recording, indexing, and filing papers, four dollars ($4.00); each certified copy of letters, fifty cents (50¢).

Bond release certificate, including seal, seventy-five cents (75¢).

Executor, appointment of, including application, oath, order for letters, taking bond and justification when necessary, qualification, docketing, recording, indexing, and filing papers, three dollars ($3.00); each certified copy of letters, fifty cents (50¢).

Renunciation of right to qualify as administrator, executor, guardian or trustee, fifty cents (50¢), for all persons renouncing.

Motions, entry and record of, twenty-five cents (25¢).

Notices, forty cents (40¢), and for each name over one in same paper, ten cents (10¢) additional.

Notifying solicitor of removal of guardian, two dollars ($2.00).

Order enlarging time for pleading, and all interlocutory orders, in special proceedings and civil actions, forty cents (40¢).

Order for appearance of apprentice, on complaint of master, one dollar ($1.00); for appearance of master on complaint of apprentice, one dollar ($1.00).

Order for the registration of a deed or other writing, which has been proved or acknowledged in another county, or before a judge, justice, notary or other officer, including a chattel mortgage, twenty-five cents (25¢).

Postage, actual amount necessarily expended.

Presentment, each person presented, ten cents (10¢).

Probate of a deed or other writing, proved by a witness before the clerk, including the certificate, twenty-five cents (25¢).

Probate of a deed or other writing, acknowledged by the signers or makers, who acknowledged at the same time, with the certificate thereof for each person acknowledging before the clerk, twenty-five cents (25¢); provided that when private examination is necessary there shall be an additional fee of one dollar ($1.00).

Recording limited partnership certificate, for first two double-spaced typewritten pages, one dollar ($1.00) each; additional pages, fifty cents (50¢ each.

Probate of attested will or attested codicil to a will, in common form: Including taking depositions of witnesses and entering certificate of probate, four dollars ($4.00); recording will and codicils and orders of probate, one dollar ($1.00) each for first two double-spaced typewritten pages, plus fifty cents (50¢) for each additional page or fraction thereof.

Probate of holograph will or holograph codicil to will, including taking depositions of witnesses and entering certificate of probate, four dollars ($4.00); recording same as attested will.

Qualifying justice of the peace to be paid by the justice, fifty cents (50¢).

Qualifying members of the board of commissioners to be paid by the commissioners, twenty-five cents (25¢).

Recognizance each party where no bond is taken, twenty-five cents (25¢).

Recording and copying papers, unless otherwise provided for, for first double-spaced typewritten page, one dollar ($1.00); for each additional page, fifty cents (50¢).

Recording appointment of process agent for nonresident, fifty cents (50¢).

Recording names, qualification, and expiration of term of office of justices of the peace, five cents (5¢) for each name.

Registering trained nurses, doctors, architects, dentists, chiropractors, and optometrists, including certificate of registration, one dollar ($1.00), including seal.

Recording names of jurors as required by law, five cents (5¢) for each name.

Recording certificates of incorporation of corporations, up to three double-spaced typewritten pages, three dollars ($3.00); for each additional page, fifty cents (50¢).

Recording certificates of dissolution of corporations, one dollar and a half ($1.50), plus fifty cents (50¢) for each double-spaced typewritten page over one.

Resignation of guardians, fifty cents (50¢).

Seal of office, when necessary, twenty-five cents (25¢).

Subpoena, each name, twenty cents (20¢).

Summons, each original in civil actions and special proceedings, including all the names therein, one dollar and fifty cents ($1.50) and for every copy thereof, twenty-five cents (25¢).

Transcript of judgment, issuing same, seventy-five cents (75¢).

Transcript of any matter of record or papers on file, for first double-spaced typewritten page, one dollar ($1.00); for each additional page, fifty cents (50¢).

Trial of any cause, or stating an account, as referee, pursuant to order of the judge, such allowance as the judge may make.

Certified copy of will or other paper of record; for certificate and seal, seventy-five cents (75¢), plus one dollar ($1.00) for first double-spaced typewritten page, plus fifty cents (50¢) for each additional page.

Witness ticket, including jurat, ten cents (10¢).

Five per cent (5%) commission shall be allowed the clerk on all fines, penalties, amercements and taxes paid the clerk by virtue of his office; and three per cent (3%) on all sums of money not exceeding five hundred dollars ($500.00) placed in his hands by virtue of his office, except on judgments, decrees, executions and deposits under Article 3 of Chapter 45; and upon the excess over five hundred dollars ($500.00) of such sums, one per cent (1%).

Indexing, where the name of each party to any action or proceeding is required to be cross-indexed by law, ten cents (10¢) for each name entered upon the cross-index records.

Notary public, qualification, oath, indexing, and reporting to Governor, one dollar ($1.00).

Auditing final accounts of trustees, mortgagees, commissioners, or other persons, firms, or corporations selling real estate under foreclosure proceeding required to render such final report, the fees shall be twenty-five cents (25¢) on each one hundred dollars ($100.00) of receipts and disbursements through one thousand dollars ($1,000.00) and ten cents (10¢) on each one hundred dollars ($100.00) for everything above one thousand dollars ($1,000.00), provided that the minimum fee shall be two dollars ($2.00) and the maximum fee shall not exceed fifty dollars ($50.00).

Inventory required of fiduciaries, one dollar and a half ($1.50).

Provided, that when any services of the Clerk of the Superior Court shall be for any court or person of any county other than his own county, the fees for said services shall be as follows:

Transcripts of judgments, including the certificate of filing and docketing, one dollar and a half ($1.50), first page; seventy-five cents (75¢) for each additional page thereafter.

Issuing executions, including docketing returns thereon and issuing certificates of satisfaction, one dollar and a half ($1.50), first page; seventy-five cents (75¢) for each additional page.

Execution against specific property or against the person, including docketing of returns thereon and issuing certificates of satisfaction, two dollars and a half ($2.50).

The Clerk of the Superior Court is hereby authorized to collect as advance court cost on all suits started in any court, except claim and delivery, attachment, and injunction, the sum of eight dollars and a half ($8.50), plus the sheriff's fees for each party to be served, to be applied on the court costs including the process tax.

The Clerk of the Superior Court is hereby authorized to collect as advance court cost on all suits of claim and delivery, attachment, and injunction the sum of twelve dollars ($12.00), plus the sheriff's fee for each party to be served, to be applied on the court cost, including the process tax.

The Clerk of the Superior Court is hereby authorized to collect from the appellant in all cases in appeals from justices of the peace court to the Superior Court five dollars ($5.00) as advance cost to be applied on the court costs including the process tax.

Sec. 2. Notwithstanding any provision of this Act, the Board of Commissioners of Edgecombe County are hereby granted and invested with full power and authority to fix, in their discretion, all fees, costs, and commissions which may be charged by the Clerk of the Superior Court of Edgecombe County and the ex officio Clerk of the Recorder's Court of Edgecombe County for the performance of any service, duty or act permitted or required by law. Such fees and commissions may be fixed from time to time by said Board of Commissioners of Edgecombe County, and

when once fixed by said board of commissioners may thereafter be changed at any time. All action to fix such fees, costs and commissions shall be taken by an appropriate resolution of the Board of County Commissioners of Edgecombe County. The fees, costs and commissions fixed by this Act may be increased or decreased by the Board of County Commissioners of Edgecombe County in an amount not exceeding thirty per cent (30%) during any one fiscal year of the county. Until or unless the Board of County Commissioners of Edgecombe County shall take the necessary action to fix any fee, cost or commission, as herein authorized, such fee, cost or commission shall be charged as provided by this Act or, if not provided in this Act, as provided by the fees, costs and charges fixed by the General Statutes and applicable to the office of the Clerk of the Superior Court and which is sometimes referred to as the "General Fee Bill" of North Carolina. It is further provided that the fees paid by Edgecombe County in insolvent criminal matters shall be in accordance with the schedule of fees in effect immediately or prior to the enactment of this Act, and this Act shall in nowise affect such fees paid by Edgecombe County in insolvent criminal matters.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1959.

S. B. 292 CHAPTER 473

AN ACT TO AMEND CHAPTER 173 OF THE SESSION LAWS OF 1957 SO AS TO FIX THE SALARIES OF THE CLERK OF SUPERIOR COURT, SHERIFF AND REGISTER OF DEEDS OF BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 173 of the Session Laws of 1957 is hereby amended by striking out the figures "4,725.00" at the end of lines four, five and six thereof and substituting therefor the figures "5,500.00".

Sec. 2. Section 3 of Chapter 173 of the Session Laws of 1957 is hereby amended by adding at the end thereof the following new sentence: "Provided that this Section shall not apply to the salaries of the Clerk of the Superior Court, Sheriff and Register of Deeds."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 8th day of May, 1959.

S. B. 298 **CHAPTER 474**

AN ACT TO APPOINT A MEMBER OF THE BOARD OF EDUCATION OF NEW HANOVER COUNTY.

WHEREAS, John T. Hoggard resigned while serving as a member of the Board of Education of New Hanover County, and Murdoek M. Dunn was nominated by the County Democratic Committee and appointed by the State Board of Education to fill the vacancy caused by the resignation of John T. Hoggard: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Murdock M. Dunn, of New Hanover County, is hereby appointed a member of the Board of Education of New Hanover County to fill the unexpired term of John T. Hoggard who resigned while serving as a member of said Board of Education.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1959.

H. B. 121 **CHAPTER 475**

AN ACT TO ESTABLISH MINIMUM WAGES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Chapter 95 of the North Carolina General Statutes is hereby amended by adding thereto a new Article which shall read as follows:

"§ 95-85. Short Title. This Article shall be known as the North Carolina Minimum Wage Act.

"§ 95-86. Definition of Terms. As used in this Article:

(a) 'Commissioner' means the Commissioner of Labor;

(b) 'Employer' includes any individual, partnership, association, corporation, business trust, or any person or groups of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(c) 'Employee' includes any individual employed by an employer but shall not include:

(1) Any person employed as a farm laborer or farm employee;

(2) Any person employed in domestic service or in or about a private home or in or about a public or private nursing home for the aged and/or infirm, or in or about all hospitals of every kind and character both public and private, or in an eleemosynary institution primarily supported by public funds;

(3) Any person engaged in the activities of an educational, charitable, religious or nonprofit organization where the relationship of employer-employee does not, in fact, exist, or where the services rendered to such organizations are on a voluntary basis;

(4) Newsboys, shoe shine boys, caddies on golf courses, baby sitters, ushers, doormen, concession attendants and cashiers in theaters, pin boys in bowling alleys;

(5) Traveling salesmen or outside salesmen working on a commission basis;

(6) Any person employed on a part-time basis during the school year and who is a student at any recognized school or college while so employed;

(7) Any person under the age of twenty-one (21) in the employ of his father or mother;

(8) Any person receiving tips or gratuities as the principal part of his wage;

(9) Any person confined in any penal, corrective, or mental institution of the State or any of its political subdivisions;

(10) Employees of boys' and girls' summer camps;

(11) Any person under the age of sixteen (16), regardless of by whom employed;

(12) Those employed in the seafood or fishing industry on a part-time basis or who normally work and are paid for in the amount of work accomplished;

(13) Any person who shall have reached his or her sixty-fifth (65) birthday.

(d) 'Wages' means legal tender of the United States or checks or drafts on banks negotiable into cash on demand or upon acceptance at full value: Provided, wages may include the reasonable cost to the employer, as determined by the Commissioner, of furnishing meals and for lodging to an employee, if such board or lodging is customarily furnished by the employer, and used by the employee.

"§ 95-87. Minimum Wages. Every employer shall pay to each of his employees wages at a rate not less than seventy-five cents (75¢) per hour.

"§ 95-88. Small Employers Excluded. This Article shall not apply to any employer and employee in any employment in which the employer shall employ five (5) or less employees.

"§ 95-89. Handicapped Workers. The Commissioner may provide by regulation for the employment in any occupation at such wages lower than the minimum wage applicable under this Article of persons whose earning capacity is impaired by physical or mental deficiency, as he may find appropriate to prevent curtailment of opportunities for employment, to avoid undue hardship and to safeguard the applicable minimum wages under this Article.

"§ 95-90. Learners and Apprentices. The Commissioner may provide by regulation, with the assent and approval of the State Apprenticeship Council, for employment in such occupation at wages lower than the minimum wage provided under this Article for learners and apprentices as the Commissioner may find appropriate.

"§ 95-91. Posting of Law and Orders. Every employer subject to the provisions of this Article shall keep a summary of this Article and any applicable wage orders and regulations posted in a conspicuous and accessible place in or about the premises of his place of business.

"§ 95-92. Responsibility for Enforcement. The provisions of this Article shall be enforced by the Department of Labor under the Commissioner of Labor.

"§ 95-93. Enforcement Powers. The Commissioner of Labor or any authorized representative thereof shall have the authority to:

(1) Investigate and ascertain the wages of any person employed in any occupation in this State;

(2) Enter and inspect the places of business of any employer, subject to the provisions of this Article for the purpose of inspecting the payroll records of such employer;

(3) Require from any employer subject to this Article a full and correct statement in writing with respect to wages, hours, names, addresses of any of his employees;

(4) Administer rules and to require by subpoena the attendance of witnesses, the production of books, records and other evidence relative to any matter under investigation.

(5) Carry out the provisions of this Chapter.

"§ 95-94. Penalties. Whoever knowingly and intentionally violates any provisions of this Article, upon complaint lodged by the Commissioner, shall be punished by a fine of not less than ten dollars ($10.00) or more than fifty dollars ($50.00) or by imprisonment for not more than thirty (30) days in the discretion of the court, and whenever any person or business shall have been notified by the Commissioner or his authorized representative that he is violating such provision, each and every pay period in which said violation continues shall constitute a separate and indictable offense.

"§ 95-95. Employee's Remedies. Any employer who violates the minimum wage requirements of this law shall be liable to the employee or employees affected in the amount of the unpaid minimum wages, plus interest at six per cent (6%) per annum upon such unpaid wages as may be due the plaintiff, said interest to be awarded from the date or dates said wages were due the employee or employees. Action to recover may be maintained in any court of competent jurisdiction. The court shall, in addition to any judgment awarded to the employee or employees, require defendant to pay court costs and reasonable attorney's fees incurred by the employee or employees.

"§ 95-96. Relation to Other Laws. Nothing in this Article shall be construed so as to affect the State Maximum Hour Law.

"§ 95-97. Separability. If any provision of this Article, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act shall not be affected thereby."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after January 1, 1960.

In the General Assembly read three times and ratified, this the 8th day of May, 1959.

H. B. 213 CHAPTER 476

AN ACT PROHIBITING THE SALE OF BEER OR WINE WITHIN ONE MILE OF MOUNTAIN VIEW BAPTIST CHURCH OR MOUNTAIN VIEW PUBLIC SCHOOL AT HAYS, NORTH CAROLINA IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful to issue any license for the sale, or for any person, firm or corporation to sell any beer or wine within one mile of the Mountain View Baptist Church or the Mountain View Public School at Hays, North Carolina in Wilkes County.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1959.

H. B. 529 CHAPTER 477

AN ACT TO AMEND CHAPTER 90 OF THE GENERAL STATUTES RELATING TO THE PRACTICE OF OPTOMETRY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 90 of the General Statutes is amended as follows:

Delete the first sentence of G. S. 90-123 and substitute therefor the following:

"For the use of the Board in performing its duties under this Article, every registered optometrist shall, in every year after the year 1959 pay to the Board of Examiners the sum of not exceeding twenty-five dollars ($25.00), the amount to be fixed by the Board, as a license fee for the year."

In line 12 of G. S. 90-123, delete the words and figures "Five and No/100 Dollars ($5.00)" and substitute in lieu thereof the words and figures "ten and no/100 dollars ($10.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1959.

S. B. 209 **CHAPTER 478**

AN ACT PERMITTING COLUMBUS COUNTY TO AUTHORIZE BONDS FOR SCHOOL PURPOSES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS NOTWITHSTANDING THE LIMITATION OF DEBT FOR SUCH PURPOSES IN THE COUNTY FINANCE ACT.

The General Assembly of North Carolina do enact:

Section 1. That, pursuant to the provisions of The County Finance Act (Article 9 of Chapter 153 of the General Statutes of North Carolina) the Board of Commissioners for the County of Columbus, North Carolina, is hereby authorized and empowered to pass a bond order or bond orders authorizing the issuance of bonds of said county for school purposes as provided in clause (a) of Section 153-77 of said General Statutes in the maximum aggregate principal amount of seven hundred and fifty thousand dollars ($750,000.00), notwithstanding any limitation contained in Section 153-87 of said General Statutes.

Sec. 2. The powers granted by this Act are in addition to and not in substitution for any other powers heretofore or hereafter granted to said county.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

S. B. 210 **CHAPTER 479**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF MOORESVILLE TO APPOINT AN ASSISTANT CLERK OF THE RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 1 of Chapter 1018 of the Session Laws of 1957 is amended by adding a new paragraph at the end thereof to read as follows:

"The Board of Commissioners of the Town of Mooresville is authorized to appoint an assistant clerk of the recorder's court and fix his compensation. Said assistant clerk shall serve at the pleasure of the board and is authorized to perform any and all the duties and shall have all the power and authority now vested in the clerk of the said court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

S. B. 236 **CHAPTER 480**

AN ACT TO AMEND G. S. 115-116 AND G. S. 115-119 RELATING TO SPECIAL TAX ELECTIONS FOR SCHOOL PURPOSES IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (g) of G. S. 115-116, as the same appears in the 1957 Cumulative Supplement to Volume 3A of the General Statutes, is hereby amended by adding at the end thereof the following: "Provided that in Lincoln County elections may be called for an entire county on the question of a special tax to supplement the current expense funds from State and county allotments and thereby operate schools of a higher standard by supplementing any item of expenditure in the school budget, if the boards of education of all administrative units within the county petition for such an election. In such event, the supplemental tax shall be apportioned among the administrative units of the county on a per capita enrollment basis which shall be determined by the State Board of Education and certified to each administrative unit involved."

Sec. 2. Subsection (5) of G. S. 115-119, as the same appears in the 1957 Cumulative Supplement to Volume 3A of the General Statutes, is hereby amended by adding at the end thereof the following: "Provided that in Lincoln County if the petitions are for an election for a county-wide supplemental tax to be apportioned among administrative units within the county, unless the petitions expressly state to the contrary, the outcome of the county-wide election shall not affect or repeal any local taxes heretofore or hereafter voted in the separate administrative units."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

S. B. 253 **CHAPTER 481**

AN ACT RELATING TO THE USE OF IONIZING RADIATION, RADIATION MACHINES, AND RADIOACTIVE MATERIALS, AND ATOMIC ENERGY.

The General Assembly of North Carolina do enact:

Section 1. Declaration of Policy. It is hereby declared to be in the best interests of the State:

(a) To adapt its laws and regulations to meet the new and changing conditions in ways that will encourage and support a prudent program of information and research relative to atomic development for nonmilitary purposes in the fields of education, science, agriculture, industry, public utilities, transportation, medicine, public health, and all other fields of endeavor which may aid in or be benefited by atomic development and atomic science and engineering, while at the same time protecting the public interests;

(b) To assure continuing studies of the need for changes in the relevant laws and regulations with respect thereto;

(c) To assure coordination of studies undertaken particularly with other atomic development activities within the State and with the development and proper regulatory activities of other states and of the Government of the United States;

(d) To provide for safety in the use of any and all machines, devices or materials that emit radiation, including those used for medical and industrial purposes, and to provide necessary regulation of the use of such machines, devices and materials; and

(e) To do all things necessary and desirable in order to promote sound and healthy programs of progressive use of atomic energy in North Carolina.

Sec. 2. Atomic Energy. This Act is to be construed as relating to radioactivity and ionizing radiation.

Sec. 3. Atomic Energy Advisory Committee. The Governor is authorized and empowered to appoint a committee to be known as the Atomic Energy Advisory Committee, hereinafter referred to as "the Committee". The Committee shall consist of thirty-five (35) members. The Commissioner of Agriculture, the State Superintendent of Public Instruction, and the State Health Director shall ex officio be members of said Committee. Thirty-two (32) members shall be appointed by the Governor whose terms shall commence on or as of July 1, 1959. Ten (10) members shall be appointed for terms of two (2) years, eleven (11) for terms of four (4) years, and eleven (11) for terms of six (6) years. Thereafter, appointments to the Committee shall be for terms of six (6) years except that any vacancy arising from any cause other than expiration of a term shall be filled by the Governor by appointment for the remainder of the unexpired term. The chairman shall be designated by the Governor.

The chairman is authorized to appoint from the membership of the Committee six (6) or more subcommittees which shall include subcommittees on (1) agriculture, (2) education and research, (3) industry and labor, (4) medicine and public health, (5) power, and (6) radiation standards. In making appointments to the Committee the Governor shall give consideration to the qualifications desirable in connection with the functioning of the subcommittees; he shall appoint persons having specialized knowledge in the different fields of activity; he shall include in his appointments at least one radiologist, one nuclear physicist, one radiation physicist, one public health physician, one dentist and one sanitary engineer who shall serve as members of the subcommittee on radiation standards; successor appointments shall be so made that there shall at all times be at least one radiologist, one nuclear physicist, one radiation physicist, one public health physician, one dentist and one sanitary engineer serving as members of the Committee.

The Committee shall meet at the call of the Governor or the chairman and at such other times as the Committee may determine. The members of the Committee shall receive the same per diem and travel and subsistence allowance as is generally allowed for members of State commis-

sions when engaged in attendance at meetings of the Committee or any subcommittee thereof; provided, that no per diem shall be paid any salaried State official or employee.

The Committee shall evaluate studies, recommendations, and proposals of the several departments and agencies and shall act as an advisory and coordinating group in the development and regulatory activities of the State relating to atomic energy, including cooperation with other states and with the Government of the United States. The Committee shall advise with the Governor for the purpose of keeping him informed as to private and public activities affecting atomic developments.

So far as may be practicable, the Committee shall coordinate studies, recommendations and proposals with like activities in other states and in the South as a region, and with the policies and regulations of the United States Atomic Energy Commission.

The Governor is authorized and empowered to require reports from any and all State departments, agencies and institutions with respect to any aspect of the subject matter of this Act and, in the exercise of his powers and duties under this Act, he may employ such additional personnel, if any, as he deems necessary.

Sec. 4. Rules and Regulations of State Board of Health. The State Board of Health is specifically authorized to adopt reasonable rules and regulations relating to the use, storage, transportation and disposal of radiation, radiation machines, and radioactive materials so as to provide protection against hazard from radioactivity and ionizing radiation, and so as to insure safety to all persons at, or in the vicinity of, the place of use, storage, transportation or disposal thereof. To this end, the State Board of Health is authorized to require registration of all persons, firms, corporations, associations or institutions who possess or use such machines or materials, such registration program to be of such scope and in such form as the board deems necessary to provide an adequate protection and supervision program.

Authorized representatives of the State Board of Health shall have authority to enter any premises, other than a private dwelling, where any activities or conditions therein or thereon are the subject of regulations adopted pursuant to this Section, for the purpose of determining whether applicable laws and regulations are being properly observed.

The board is authorized but not required to provide an inspection service and an advisory service, to make surveys, to sponsor educational programs on approved radiation protection practices, and to do any and all other acts deemed desirable in providing an effective protection program. In the performance of these duties, to the end that an environment favorable to the development of the peaceful uses of nuclear energy will be maintained, consistent with public health and safety, the State Board of Health shall not impose standards any more restrictive than the radiation standards established by the Atomic Energy Act of 1954 and amendments, or successor Acts, and regulations issued thereunder; in those situations where no such standards are imposed under said Atomic Energy Act, said board shall be authorized to impose reasonable standards.

No rules or regulations shall be adopted by the State Board of Health pursuant to this Section except with the approval of the Governor.

Recognizing the rapid pace of discovery in the atomic field, the State Board of Health shall keep itself informed regarding the regulatory activities of other states and of the Government of the United States and shall endeavor to maintain maximum coordination pending the establishment from time to time of clear lines of regulatory authority between the State and the Federal Governments. All regulations adopted shall be subject to the provisions of G. S. 130-9(a) and the provisions of Article 18 of Chapter 143 of the General Statutes. Any violation of any rule or regulation adopted pursuant to this Section is hereby declared to be a misdemeanor.

Whenever the State Board of Health has reasonable cause to believe that any person, firm, corporation, association or institution is violating or threatening to violate any regulation adopted pursuant to this Section, the board may enter an order requiring such violator to desist or refrain from such violation; and an action may be brought in the name of the board on the relation of the State of North Carolina to enjoin such violator from engaging in or continuing such violation or from doing any act or acts in furtherance thereof. In any such action an order or judgment may be entered awarding such preliminary or final injunction as may be deemed proper.

Sec. 5. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

S. B. 288 CHAPTER 482

AN ACT RELATING TO THE ELECTION OF COUNTY BOARD OF COMMISSIONERS FOR CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Election And Number Of Members Of Board Of Commmissioners For Cleveland County. From and after the first Monday in December, 1960, the Board of Commissioners for Cleveland County shall consist of five members. In the general election to be held in the year 1960 there shall be elected five members of the Board of County Commissioners, three members to be elected for the term of four years each, and two members to be elected for terms of two years each. The three candidates receiving the highest number of votes shall be declared elected for the four-year terms, and the two candidates receiving the next highest number

of votes shall be declared elected for the two-year terms. In the event a tie vote makes it impossible to determine which candidate or candidates have been elected for the four-year terms, the Clerk of Superior Court shall designate which candidate or candidates, as the case may be, receiving such tie vote, shall serve a four-year term. At the end of their respective terms of office, their successors shall be elected for a term of four years and until their successors are duly elected and qualified. The five persons elected pursuant to this Act shall be styled the Board of Commissioners for the County of Cleveland.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

S. B. 299 CHAPTER 483

AN ACT RELATING TO THE QUALIFICATIONS FOR MEMBERSHIP ON THE BOARD OF COUNTY COMMISSIONERS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G. S. 84-2, or any other law, no person shall be barred from qualifying or serving as a member of the Board of County Commissioners of New Hanover County on the ground that such person is a licensed attorney at law.

Sec. 2. This Act shall apply only to New Hanover County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 283 CHAPTER 484

AN ACT TO AMEND CHAPTER 58, ARTICLE 22 RELATING TO RESERVE VALUATION AND NONFORFEITURE BENEFITS OF LIFE INSURANCE POLICIES.

The General Assembly of North Carolina do enact:

Section 1. Numbered paragraph 3 of G. S. 58-201.1 is amended by inserting preceding the period at the end of subparagraph (a) thereof, the following:

"for such policies issued prior to the operative date of subsection 5 (b) of §58-201.2, and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date; provided that for any category of such policies issued on female risks all modified

net premiums and present values referred to in this Section may be calculated according to an age not more than three years younger than the actual age of the insured".

Sec. 2. Numbered paragraph 5 of G. S. 58-201.2 is hereby rewritten to read as follows:

"5. (a) The adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) two per cent (2%) of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (iii) forty per cent (40%) of the adjusted premium for the first policy year; (iv) twenty-five per cent (25%) of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less. Provided, however, that in applying the percentages specified in (iii) and (iv) above, no adjusted premium shall be deemed to exceed four per cent (4%) of the amount of insurance or level amount equivalent thereto. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

"In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent level amount thereof for the purpose of this Section shall be deemed to be the level amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the inception of the insurance as the benefits under the policy.

"Except as otherwise provided in paragraph (b) of this subsection, all adjusted premiums and present values referred to in this Section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured. Such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half per cent (3½%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may not be more than one hundred and thirty per cent (130%) of the rates of mortality according to such applicable table.

Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the Commissioner.

"(b) In the case of ordinary policies issued on or after the operative date of this paragraph (b) as defined herein, all adjusted premiums and present values referred to in this Section shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest, not exceeding three and one-half per cent (3½%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured; provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the Commissioner.

"After the effective date of this Act, any company may file with the Commissioner a written notice of its election to comply with the provisions of this paragraph (b) after a specified date before January 1st, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this paragraph (b) for such company), this paragraph (b) shall become operative with respect to the ordinary policies thereafter issued by such company. If a company makes no such election, the operative date of this paragraph (b) for such company shall be January 1, 1966."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 442 CHAPTER 485

AN ACT TO AMEND CHAPTER 366 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1939, RELATING TO ELECTIONS IN THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. Section 14 of Chapter 366 of the Public-Local and Private Laws of 1939, as amended by Section 6(d) of Chapter 590 of the Session Laws of 1945, is amended by inserting a proviso between the first and second sentences to read as follows:

"Provided, that if not more than the number of candidates for the nominations for each office have filed for such office, their names shall not appear upon the primary ballot, but they shall be declared to be the nominees for the offices for which they have filed."

Sec. 2. Section 14 of Chapter 366 of the Public-Local and Private Laws of 1939 is amended by striking out the following proviso appearing therein:

"Provided, that if any one person whose name may appear on the ballot as candidate for mayor shall receive a majority of all the votes cast for the office of mayor, the person so receiving said majority of votes shall be named as the only nominee for said office."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 462 CHAPTER 486

AN ACT TO PROVIDE FOR FOUR-YEAR STAGGERED TERMS FOR COUNCILMEN, SUBJECT TO APPROVAL BY THE VOTERS, OF THE CITY OF REIDSVILLE IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subject to approval by the voters, as provided for in Section 2 of this Act, members of the city council shall serve for four-year terms; provided, that at the regular city election in May, 1960, the three candidates elected to the council who receive the highest number of votes shall serve for four-year terms and the other two candidates elected to the council shall serve for two-year terms. Thereafter, councilmen elected at succeeding biennial elections shall serve for four-year terms.

Sec. 2. At the regular city election in May, 1960, there shall be submitted to the voters a ballot upon which shall be printed the words "For Four-Year Staggered Terms For Councilmen" and "Against Four-Year Staggered Terms For Councilmen". If the majority of the votes cast at said election shall be "For" the four-year staggered terms the provisions of Section 1 of this Act shall become a part of the City Charter. If the majority of the votes cast at said election shall be "Against" the four-year staggered terms, this Act shall become void and the candidates elected at said election shall serve for two-year terms as now provided in the City Charter.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 494 **CHAPTER 487**

AN ACT TO AMEND G. S. 160-281.1 RELATING TO VALIDATION OF CONVEYANCES BY CITIES, TOWNS AND SCHOOL BOARDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-281.1 is hereby amended by striking out the period at the end of the Section, inserting a colon in lieu thereof, and adding the following:

"Provided further, that all release deeds and conveyances of real estate made prior to January 1, 1942, by the governing body of any city, town, school district or school administrative unit by private sale without notice and public outcry, which real estate was theretofore held in any manner for a particular purpose upon the happening of a future event, or upon a contingent future interest by way of shifting or springing use, shall be valid and cured of any such defects and shall operate to divest such governing bodies of all claim or interest in the real estate thereby conveyed; provided, however, any city, town, school district, school administrative unit and all persons or parties affected hereby shall have six months from the ratification of this Act to assert any claim or interest they may have in the premises conveyed or released by such deeds or be forever barred thereafter and, to the end that title to such premises may be forever settled, failure to commence action in the courts of this State on such claim or interest within the time limited herein may be pleaded in bar of all claims or interests asserted thereafter."

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 575 **CHAPTER 488**

AN ACT TO AMEND CHAPTER 526 OF THE SESSION LAWS OF 1945, RELATING TO THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, SO AS TO MAKE THE SAME APPLICABLE TO GATES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 9 of Chapter 596 of the Session Laws of 1945 is hereby amended by striking out the words "Gates County" in the last line thereof.

Sec. 2. Any acts heretofore done with respect to the matters covered by Chapter 526 of the Session Laws of 1945 shall be as fully effective as to Gates County and the municipalities and governmental agencies therein as if Gates County had not been excepted from said Act when it was enacted, and all such acts or actions heretofore taken with respect thereto are hereby validated and confirmed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 578 CHAPTER 489

AN ACT TO AMEND G. S. 47-94 RELATING TO THE VALIDATION OF CERTAIN ACKNOWLEDGMENTS, PROOFS OF EXECUTION, AND REGISTRATION OF CERTAIN MORTGAGES AND DEEDS OF TRUST.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-94 is hereby amended by striking out in lines 3, 4, and 5 the words "building and loan association prior to the first day of January, one thousand nine hundred and twenty-nine," and inserting in lieu thereof the words "State or Federal building and loan or savings and loan association prior to the first day of January, one thousand nine hundred and fifty-five,".

Sec. 1½. The provisions of this Act shall not affect pending litigation.

Sec. 2. G. S. 47-94 is hereby further amended by striking out in the next to the last line the words "building and loan association" and inserting in lieu thereof the words "State or Federal building and loan or savings and loan association".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 596 CHAPTER 490

AN ACT TO AMEND G. S. 135-5, RELATING TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, SO AS TO MAKE MORE DEFINITE THE PROCEDURE FOR RETIREMENT.

The General Assembly of North Carolina do enact:

Section 1. Paragraph (1) of subsection (a) of G. S. 135-5 is hereby amended by inserting in line 2, immediately following the word "time," and immediately preceding the word "not", the words "as of the first day of a calendar month,".

Sec. 2. Subsection (g) of G. S. 135-5, is hereby amended by striking out the comma after the word "due" in line 5 and inserting immediately following said word "due" the words "or his first retirement check has been cashed,".

Sec. 3. G. S. 135-5 is hereby amended by adding the following subsection at the end of said Section, to be designated as "(k)", and to read as follows:

"(k) The provisions of this Section as to the time of giving of notice of retirement shall be construed to be mandatory and not directory."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 597 CHAPTER 491

AN ACT TO AMEND ARTICLE 3 OF CHAPTER 128 OF THE GENERAL STATUTES RELATING TO THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. The paragraph numbered "(2)" of G. S. 128-21 is hereby rewritten to read as follows:

"(2) 'Employer' shall mean any county, incorporated city or town, the light and water board or commission of any incorporated city or town, the board of alcoholic control of any county or incorporated city or town, the North Carolina League of Municipalities, the State Association of County Commissioners, county and/or city airport authorities, housing authorities created and operated under and by virtue of Chapter 157 of the General Statutes, redevelopment commissions created and operated under and by virtue of Article 37, Chapter 160 of the General Statutes, county and/or city or regional libraries, county and/or city boards of health, district boards of health, and the retirement system."

Sec. 2. The paragraph numbered "(23)" of G. S. 128-21 is hereby rewritten to read as follows:

"(23) 'Year' shall mean the regular fiscal year beginning July 1, and ending June 30 in the following calendar year unless otherwise defined by regulation of the Board of Trustees."

Sec. 3. G. S. 128-22 is hereby amended by striking out all of the second sentence preceding the word "Provided" in line 9 and inserting in lieu thereof the following:

"Following the filing of the application as provided in Section 128-23(c), the Board shall set a date, effective the first day of a calendar quarter, not more than 90 days thereafter, as of which date participation of the employer may begin, which date shall be known as the date of participation for such employer:".

Sec. 4. G. S. 128-24 is hereby amended by inserting a new paragraph immediately following the paragraph numbered "(1)" and immediately preceding the paragraph numbered "(2)", to be designated as "(1a)", and to read as follows:

"(1a) Should any member in any period of six consecutive years after becoming a member be absent from service more than five years, or should he withdraw his accumulated contributions, or should he become a beneficiary or die, he shall thereupon cease to be a member."

Sec. 5. The first line of subsection (b) of G. S. 128-27 is hereby amended by rewriting the first line to read as follows:

"(b) Service Retirement Allowances of Persons Retiring Before July 1, 1959. Upon retirement from service before July 1, 1959, a".

Sec. 6. G. S. 128-27 is hereby further amended by inserting a new subsection immediately following subsection (b), to be designated as "(b1)", and to read as follows:

"(b1) Service Retirement Allowances of Persons Retiring On or After July 1, 1959. Upon retirement from service on or after July 1, 1959, a member shall receive a service retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A pension equal to the annuity allowable at the age of sixty-five years or at his retirement age, whichever is the earlier, on the basis of contributions made prior to such earlier age; and

(3) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to (the sum of) the annuity which would have been provided at the age of 65 years, or at the earlier age of retirement if prior thereto, by twice the contributions which he would have made during such period of service had the system been in operation and he contributed thereunder at the rate of

a. six and twenty-five hundredths per centum (6.25%) of his compensation if such certificate is a Class A certificate, or

b. five per centum (5%) of his compensation if such certificate is a Class B certificate, or

c. four per centum (4%) of his compensation if such certificate is a Class C certificate."

Sec. 7. G. S. 128-27 is hereby amended by striking out the first sentence of subsection (f), entitled "Return of Accumulated Contributions," and inserting in lieu thereof the following:

"Should a member cease to be an employee except by death or retirement under provisions of this Chapter, he shall be paid upon his request the sum of his contributions and one-half of the accumulated interest thereon. Upon payment of such sum his membership in the System shall cease and, if he thereafter again becomes a member, no credit shall be allowed for any service previously rendered; and such payment shall be in full and complete discharge of any rights in or to any benefits otherwise payable hereunder."

Sec. 8. G. S. 128-27 is hereby further amended by striking out the last paragraph of subsection (g), and by striking out of subsection (h) the designation "(h)" in the first line and inserting in lieu thereof the words "Option four.", and by redesignating subsection "(i)" to be subsection "(h)".

Sec. 9. (a) G. S. 128-30 is hereby amended by striking out the word "earnable" and inserting in lieu thereof the word "actual" in line 14 and line 17 of paragraph (1) of subsection (b), and in line 4 and line 6 of paragraph (1) of subsection (d), and in line 6 of paragraph (2) of subsection (d).

(b) G. S. 128-30 is hereby further amended by striking out the last two sentences of paragraph (1) of subsection (b) and inserting in lieu thereof the following:

"In determining the amount earned by a member whose compensation is derived partly or wholly from fees, such member shall submit a sworn statement to his employer monthly, or at least quarterly, each year as to the amount of fees received by such member as compensation during the period, and each month, or at least quarterly, such member shall pay to his employer the proper per centum of such compensation received from fees, which shall be considered as deductions by the employer as provided in paragraphs (1) and (2) of this subsection."

(c) G. S. 128-30 is hereby further amended by striking out the words "total compensation earnable by" and inserting in lieu thereof the words "total earned compensation of" in line 4 of paragraph 5 of subsection (d).

(d) G. S. 128-30 is hereby further amended by adding a new subsection at the end thereof, to be designated as "(h)" and to read as follows:

"(h) Notwithstanding the foregoing, effective at such date not later than December 31, 1959, as the Board of Trustees shall determine, the Annuity Reserve Fund and the Pension Reserve Fund shall be merged into and become a part of the Pension Accumulation Fund, provided that such merger shall in no way adversely affect the rights of any members or retired members of the System and further provided the Board of Trustees shall be and hereby is authorized to make such changes in the accounting methods and procedures of the System from time to time as, in its opinion, are in the interest of sound and proper administration of the System."

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 601

CHAPTER 492

AN ACT TO AMEND CHAPTER 130 OF THE GENERAL STATUTES RELATING TO RECORDS OF BIRTH OF ABANDONED CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 130 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 130-79 to be designated as G. S. 130-79.1, and to read as follows:

"G. S. 130-79.1. Establishing Facts Relating to Birth of Abandoned Children. (a) In the event a person who was abandoned, deserted, or for-

saken as a child by his or her parent(s) in North Carolina and the name and address of the abandoning parent(s) are unknown, and the place and date of birth are unknown, such person may file a duly verified petition with the Clerk of the Superior Court in the county where he was abandoned, deserted or forsaken, setting forth the facts and petitioning the Clerk to hear evidence and find the facts concerning the abandonment, the name or assumed name, date and place of birth of the person, and the names of the person or persons acting in loco parentis to the individual.

"(b) The Clerk shall find such facts as the evidence may warrant and, if there is insufficient evidence to establish the place of birth, it shall be conclusively presumed that such person was born in the county where he was abandoned. The Clerk shall enter a judgment as to his findings and record the same in the record of special proceedings in his office. The Clerk shall certify the same to the State Office of Vital Statistics and the same shall thereupon be recorded in the State Office of Vital Statistics upon forms which it may adopt and a copy thereof certified to the register of deeds of the county in which said petitioner was abandoned. The Clerk may charge a fee not to exceed two dollars ($2.00) for his services under this Section.

"(c) The record of birth established by a person under this Section, when recorded, shall become a public record and shall be accepted as such by the courts and other agencies of this State in the same manner as other public records.

"(d) The provisions provided hereunder shall be cumulative, and not in disparagement of any other Acts or provisions for obtaining a delayed birth certificate."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 621 CHAPTER 493

AN ACT TO AMEND CHAPTER 238 OF THE SESSION LAWS OF 1959, THE SAME BEING HOUSE BILL NUMBER 360, RATIFIED APRIL 7, 1959, ENTITLED "A BILL TO BE ENTITLED AN ACT REWRITING SECTION 1 OF CHAPTER 1069, SESSION LAWS OF 1953, SO AS TO PLACE ALL POLITICAL PARTIES IN WATAUGA COUNTY UNDER THE STATE-WIDE PRIMARY LAWS."

The General Assembly of North Carolina do enact:

Section 1. Chapter 238 of the Session Laws of 1959, the same being House Bill Number 360, ratified April 7, 1959, entitled "A Bill to be entitled an Act rewriting Section 1 of Chapter 1069, Session Laws of 1953, so as to place all political parties in Watauga County under the State-wide primary laws", is hereby amended by adding the following sentence at the end of Section 1:

"Members of the Watauga County Board of Education shall be nominated in the party primaries and appointed as provided in G. S. 115-19."

Sec. 2. This Act shall apply to Watauga County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 642 CHAPTER 494

AN ACT TO PERMIT THE STATE BUREAU OF INVESTIGATION TO EQUIP ITS VEHICLES WITH SIRENS AND OTHER SPECIAL EQUIPMENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-125 (b), as the same now appears in the 1957 Cumulative Supplement to Volume 1C of the General Statutes, is hereby amended by striking out the period at the end of said subsection and by adding thereto the following:

", and all vehicles owned and operated by the State Bureau of Investigation for the use of its agents and officers in the performance of their official duties may be equipped with special lights, bells, sirens, horns or exhaust whistles of a type approved by the Commissioner of Motor Vehicles."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 650 CHAPTER 495

AN ACT TO VALIDATE THE ACTIONS AND PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF DURHAM IN EXTENDING THE CORPORATE LIMITS OF SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. All actions and proceedings taken by the City Council of the City of Durham in extending the corporate limits of said city, as authorized by Sections 2 and 4 of Chapter 1099 of the Session Laws of 1957, are hereby in all respects confirmed and validated.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 651 **CHAPTER 496**

AN ACT TO VALIDATE THE ACTIONS AND PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF DURHAM IN RE-DEFINING AND REARRANGING ELECTION WARDS IN SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. All actions and proceedings taken by the City Council of the City of Durham in re-defining and rearranging election wards in said city as authorized by Section 2 of Chapter 1337 of the Session Laws of 1957 are hereby in all respects confirmed and validated.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 653 **CHAPTER 497**

AN ACT AMENDING CHAPTER 1227 OF THE 1953 SESSION LAWS ENTITLED "AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF EACH COUNTY IN THIS STATE TO FIX THE SALARIES OR OTHER COMPENSATION OF ALL ELECTIVE AND APPOINTIVE COUNTY OFFICIALS AND EMPLOYEES DRAWING COMPENSATION FROM SAID COUNTIES", AND AS HERETOFORE AMENDED.

The General Assembly of North Carolina do enact:

Section 1. That Section 5-A of Chapter 1227, Session Laws of 1953, be and is hereby amended by:

(a) Substituting a comma for the period at the end of the first paragraph of Section 5-A and adding thereafter the word "Catawba";

(b) Adding a new paragraph to the said Section 5-A reading as follows:

"Provided however, that the County Commissioners of Catawba County shall during the month of February, immediately prior to the day upon which an election of county officers is scheduled by law to be held, fix a minimum salary for the term of each officer to be elected at said election or elections;"

(c) Adding another paragraph to the said Section 5-A, reading as follows:

"All laws and clauses of laws, whether general, local or private passed prior to the ratification of this Act amending said Chapter 1227 of the 1953 Session Laws, and in conflict with the provisions of these amendments to the said Act are hereby repealed to the extent of such conflict."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 665 **CHAPTER 498**

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE SO AS TO PROVIDE FOR THE HOLDING OF PRIMARY ELECTIONS FOR THE NOMINATION OF CANDIDATES FOR THE GENERAL MUNICIPAL ELECTIONS FOR SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. That the Charter of the City of Monroe, in Union County, North Carolina, be and the same is hereby further amended in the following respects so as to provide for primary elections for the nomination of the elective officials of the City of Monroe:

(1) Nomination by Primaries. All candidates to be voted for at all municipal elections, at which time a mayor, alderman, or any other elective officers are to be elected under the provisions of the Charter of the City of Monroe, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter prescribed.

(2) How Primaries Held. The primary election for such nominations shall be held on the third Saturday of April preceding general municipal elections. The judges and other officers of elections appointed for the general election shall, whenever practicable, be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations and subject to the same conditions and the polls to be opened and closed at the same hours, as are required for the general election.

(3) Notice of Candidacy. Any person desiring to become a candidate for nomination by the primary for the office of mayor or alderman or any other elective office shall, at least 15 days prior to the primary election, file with the clerk a statement of such candidacy in substantially the following form:

"STATE OF NORTH CAROLINA)
COUNTY OF UNION)

I, ..., hereby give notice that I reside at ..... Street, City of Monroe, County of Union, State of North Carolina; and I am a candidate for nomination to the office of (mayor, or alderman, or other office) to be voted upon at the primary election to be held on the third Saturday of April, 19...., and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(Signed) ....."

And he shall at the same time pay to the clerk, to be turned over to the city treasurer, the sum of five dollars ($5.00).

(4) Publication of Names. Immediately upon the expiration of the time for filing the petition of candidates, the city clerk shall cause to be published once weekly for two successive weeks in a weekly newspaper of general circulation in the city, in proper form, the names of the persons as they are to appear upon the primary ballots.

(5) Ballots Prepared. The clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the ballot the names for the candidates for mayor, arranged alphabetically, shall be placed with a square at the left of each name, and immediately below the words "vote for one". Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for alderman, with a square at the left of each name, and below the names of such candidates shall appear the words, "vote for four". Like provision shall be made for the names of candidates for each other elective office provided by the Monroe City Charter. The ballots shall be printed upon plain, substantial white paper and shall be headed: "Candidates for Nomination for Mayor and Aldermen of the City of Monroe, North Carolina, at the Primary Election."

(6) Form of Ballots. The ballots shall be in substantially the following form:

(Place a cross in the square preceding the names of parties you favor as candidates for the respective offices.) Official primary ballot. Candidates for nomination for Mayor and Aldermen and other offices (naming them) of the City of Monroe, at the primary election.

For Mayor (naming candidates). (Vote for one.)

For Alderman (names of candidates). (Vote for four.)

Official ballot. Attest:

(Signature) ..... City Clerk.

(7) Distribution of Ballots: Having caused ballots to be printed, the city clerk shall cause to be delivered at each polling place a number of ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor.

(8) Who Entitled to Vote. The persons who are qualified to vote at the succeeding general municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the city, under such rules as may be prescribed by the board of aldermen, and such challenge shall be passed upon by the judges of election and registrars: Provided, however, that the law applicable to challenge at a general municipal election shall be applicable to challenge made at such primary election.

(9) Ballots Counted. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the city clerk, upon blanks to be furnished by the clerk, within six hours of the closing of the polls.

(10) Returns Canvassed. On the day following the primary election the city clerk, under the supervision and direction of the mayor and board of aldermen, shall canvass such returns so received from all the polling precincts and shall make and publish in some newspaper of general circulation in the city, at least once, the result thereof. The canvass by the city clerk and board of aldermen shall be publicly made. Provided, nevertheless, that the city clerk, under the supervision and direction of the

mayor and board of aldermen, may canvass such returns so received from all the polling precincts on the first Monday following the day of said primary election.

(11) Who to be Candidates. The two candidates receiving the highest number of votes for mayor, and the five candidates receiving the highest number of votes for aldermen, and the two candidates receiving the highest number of votes for any other elective office, shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for mayor, alderman or other elective offices at the next succeeding general municipal election and the candidate for mayor and the four candidates for aldermen, and the candidate for any other elective office receiving the highest number of votes in the general election shall be declared duly elected: Provided, however, if any candidate for mayor shall receive a majority of all the votes cast for mayor, or if any four candidates for aldermen shall each receive a majority of all votes cast for aldermen, or if any candidate for any other elective office shall receive a majority of the votes cast for any other elective office in such primary election, then only the names of such candidate for mayor and the four candidates receiving the largest number of votes for office of alderman and the candidate for any other elective office receiving such majority of the votes so cast shall be placed upon the ballot for mayor and alderman and other elective office, respectively, at the next succeeding general municipal election to be held for the City of Monroe on Tuesday after the first Monday in May, 1961, and biennially thereafter.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

S. B. 215 CHAPTER 499

AN ACT TO AMEND CHAPTER 1067 OF THE SESSION LAWS OF 1955 SO AS TO FIX THE CORPORATE LIMITS OF THE TOWN OF LONG BEACH IN BRUNSWICK COUNTY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 1068 of the Session Laws of 1955 is amended to read as follows:

"Sec. 2. The boundaries and corporate limits of said Town of Long Beach shall be as follows:

"BEGINNING at a point at the low-water mark of the Atlantic Ocean, said point being where the East line of Middleton Street projected would intersect said low-water mark according to a map of Yaupon Beach made by H. R. Hewett, surveyor, February 29, 1955, as appears in Map Book 4, Page 40, Office of the Register of Deeds of Brunswick County, North Carolina, said point also being approximately South 72 degrees 15 minutes East 1,340 feet from a stone marked U. S., same being the southwest

corner of Fort Caswell property, from said BEGINNING point runs thence in a northwardly direction and along the East line of Middleton Street and the East line of Middleton Street projected approximately 6,400 feet to the center line of the Intra-Coastal Waterway; runs thence in a westwardly direction and with the center line of said Intra-Coastal Waterway approximately 34,335 feet to a point opposite the intersection of Little Davis Creek with the Intra-Coastal Waterway; runs thence South and with the run of Little Davis Creek approximately 2,000 feet to the northern marshes of Big Davis Creek; runs thence westwardly and with the northern marsh line of Big Davis Creek and the northern marsh line of Lockwoods Folly Sound approximately 12,000 feet to Lockwoods Folly Inlet; thence with Lockwoods Folly Inlet to the Atlantic Ocean; thence with the low-water mark of the Atlantic Ocean in an eastwardly direction approximately 45,000 feet to the place and point of BEGINNING, said lands being geographically bounded on the East by the Town of Yaupon Beach, on the South by the low-water mark of the Atlantic Ocean, on the West by Lockwoods Folly Inlet, on the North by the northern marsh line of Lockwoods Folly Sound, Big Davis Creek, center of Little Davis Creek, and the center line of the Intra-Coastal Waterway Canal."

Sec. 2. The second sentence of Section 4(b) of Chapter 1067 of the Session Laws of 1955 is amended by striking out, after the comma following the word "designated" and before the word "notarized" in the second line of said sentence, the word "and" and substituting in lieu thereof the following: "place in a sealed envelope which shall be".

Sec. 3. Section 4(b) of Chapter 1067, Session Laws of 1955, is amended by adding a new paragraph at the end thereof to read as follows:

"Upon the death or resignation of any member of the board of commissioners, or mayor, the board shall have the power to fill said vacancy until the next municipal election and subsequent appointment by the Governor of North Carolina."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

S. B. 258 CHAPTER 500

AN ACT AMENDING G. S. 113-104 RELATING TO THE POSSESSION AND SALE OF SNARES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 113-104 be and the same is hereby amended by adding at the end thereof a new paragraph to read as follows:

"It shall be unlawful for any person to possess, sell, or offer for sale any noose-type commercially-manufactured snare by which an animal may be entangled and caught."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

S. B. 278 **CHAPTER 501**

AN ACT TO AMEND CHAPTER 4 OF THE SESSION LAWS OF 1949 RELATING TO THE CORPORATE LIMITS OF THE TOWN OF SHALLOTTE SO AS TO CORRECT A MISTAKE SET OUT IN THE DESCRIPTION OF THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 4 of the Session Laws of 1949 is hereby amended by rewriting the second paragraph of Section 1 to read as follows:

"Beginning at an iron pipe on the North side of U. S. Highway No. 17, 50 feet from center, said iron stake being 3100 feet a northeasterly course from where the Old Holmes line crosses said highway as measured along the northern margin of said highway; and also being 209 feet a northeasterly course from the southeast corner of the Shallotte Baptist Church property, as measured along northern margin of said highway; runs thence South 88 degrees 30 minutes West 2842 feet to a stake on the North side of Smith's Avenue; thence with the northern margin of said avenue North 52 degrees 12 minutes West 1100 feet to a stake; thence North 87 degrees West 2470 feet to a stake; thence South 80 degrees West 2877.5 feet to the run of Mulberry Swamp; thence down said run as it meanders to Shallotte River; thence up Shallotte River to a stake on the South edge of said river 60 feet above the mouth of Bobbie Pike; thence with Bobbie's Pike the following course and distances, South 7 degrees 45 minutes East 1017 feet South 35 degrees East 238 feet, South 19 degrees East 78 feet; thence with Bobbie's Pike South 14 degrees West 449.5 feet to a post on the South edge of Old Highway No. 17; thence North 59 degrees 12 minutes East 2741.5 feet to a stake on the West side of a branch; thence South 30 degrees 30 minutes East 224.1 feet to a stake; thence North 59 degrees 30 minutes East 2304.5 feet to a stake; thence North 52 degrees 30 minutes West 236 feet to a white oak on the South side of Shallotte River; thence North 55 degrees 55 minutes East 1850 feet to a stake; thence North 10 degrees East 3515 feet to the point of beginning."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 398 **CHAPTER 502**

AN ACT TO AMEND G. S. 160-227.1 PROVIDING FOR THE REGULATION OF THE SUBDIVISION OF LAND IN AND AROUND THE CITY OF SHELBY IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-227.1, as the same appears in the 1957 Supplement to the General Statutes, is amended by inserting between the word "Cleveland" and the word "Columbus" in line 3 thereof the following: "except the City of Shelby,".

Sec. 2. It is the purpose and intent of this Act to grant to the City of Shelby the authority to regulate the subdivision of land in and around said city.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 622 **CHAPTER 503**

AN ACT TO AMEND CHAPTER 192 OF THE SESSION LAWS OF 1947, RELATING TO THE OPERATION OF MOTOR VEHICLES IN CERTAIN BEACH AREAS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 192 of the Session Laws of 1947, as amended by Chapter 305 of the Session Laws of 1951, is hereby amended by adding at the end of Section 1 thereof the following paragraph:

"The provisions of this Chapter shall also apply to that portion of the beach area beginning at a point on the low tidewater line on the Atlantic Ocean front which said point is intersected by an extension of the northern margin of the right of way of U. S. Highway No. 158, extending from Wright Memorial Bridge to the Dare Beach area and the Atlantic Ocean, and running thence in a northerly direction along the low tidewater line on the Atlantic Ocean front a distance of four miles more or less to the northern boundary of that subdivision known as Hargraves Beach, map or plat of said subdivision being recorded in Map Book 2, Page 3, in the Public Registry of Dare County, North Carolina, and running thence in a westerly direction along the northern boundary of Hargraves Beach to the eastern margin of that North Carolina State paved highway extending from Kitty Hawk to Duck, North Carolina and running thence in a general southerly direction along the eastern margin of the aforesaid North Carolina State Highway to its point of intersection with U. S. Highway No. 158 and running thence in an easterly direction along the northern margin of the right of way of U. S. Highway No. 158, or an extension thereof, to the point of beginning."

Sec. 2. The provisions of Chapter 1035, Session Laws of 1957, shall apply to the additional area of land described in Section 1 hereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 640 **CHAPTER 504**

AN ACT AUTHORIZING THE GOVERNING BODY OF THE CITY OF ROXBORO TO EXCHANGE CERTAIN PROPERTY OWNED BY SAID CITY FOR CERTAIN OTHER PROPERTY OWNED BY MRS. G. W. KANE, JR. AND W. D. MERRITT IN ORDER TO ENABLE THE CITY TO WIDEN A PORTION OF GORDON STREET.

WHEREAS, the City of Roxboro proposes to widen that portion of Gordon Street, formerly known as Bradsher Street and also as Factory Street, extending from Lamar Street in an easterly direction to Main Street; and

WHEREAS, in order for the city to widen said street, it will be necessary for it to acquire from Mrs. G. W. Kane, Jr., and W. D. Merritt a strip of land to be taken from a larger lot or parcel of land, said strip of land being 8.6 feet in width adjacent to the northern edge of Gordon Street and extending for a distance of 100 feet in a westerly direction from the western edge of Main Street; as shown on a plat entitled "Property of Mrs. G. W. Kane, Jr., and W. D. Merritt, Roxboro, North Carolina" as prepared by H. N. Michie, C. E., November 26, 1957, said plat to be recorded in the office of the Register of Deeds for Person County, and said strip of land being referred to on said plat as B; and

WHEREAS, the City of Roxboro owns the property immediately adjoining the larger lot or parcel of land of Mrs. G. W. Kane, Jr., and W. D. Merritt on the North; and

WHEREAS, it will serve the best interests of the community to allow the City of Roxboro to exchange with Mrs. G. W. Kane, Jr., and W. D. Merritt for the strip of land, referred to on said plat as B, a like strip of land, referred to on said plat as A, owned by the city and adjoining the larger lot or parcel of land of the said Mrs. G. W. Kane, Jr., and W. D. Merritt: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That notwithstanding the provisions of G. S. 160-59 the City of Roxboro is hereby authorized and empowered to exchange for the strip of land, referred to on said plat as B, a like strip of land, referred to on said plat as A, owned by the city and immediately adjoining the larger lot or parcel of land of the said Mrs. G. W. Kane, Jr., and W. D. Merritt on the North. The governing body of said city is hereby authorized to direct the mayor and city clerk to execute and deliver to the said Mrs.

G. W. Kane, Jr., and W. D. Merritt a warranty deed conveying to them in fee simple the strip of land, now owned by the said city, and referred to on said plat as A in exchange for the strip of land, referred to on said plat as B.

Sec. 2. The City of Roxboro is hereby authorized to pay, in its discretion, all costs which it may deem necessary to carry out the provisions of this Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 644 CHAPTER 505

AN ACT TO CREATE A PEACE OFFICERS' RELIEF FUND FOR THE COUNTY OF CHOWAN.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act shall be known and may be cited as the Chowan County Peace Officers' Relief Act.

Sec. 2. Definitions. Peace officers shall be deemed to include all peace officers of the County of Chowan, North Carolina, or subdivisions thereof including the Town of Edenton and members of the State Highway Patrol, who are required by the terms of their employment or election to give their full time to the preservation of public order, the protection of life and property, and the detection of crime; and all special officers or citizens who are injured or killed while aiding or assisting regular peace officers or while acting as such peace officers.

Sec. 3. Creating of Association. An association to be known and designated as the Chowan County Peace Officers' Protective Association shall be formed, the membership of which shall include all peace officers in Chowan County and the members of the State Highway Patrol as defined above.

Sec. 4. Registration. Peace officers who are entitled to membership in the association, in order to share in the benefits provided for in this Act, shall make application for membership in the association on blanks to be furnished for that purpose, giving such information as may be required by said association, and shall pay an initiation fee and annual dues to be fixed by the executive board, hereinafter provided for; provided, however, that such initiation fee shall not exceed five dollars ($5.00) and such dues shall not exceed twelve dollars ($12.00) per annum. Provided further, that the provisions of this Section shall not apply to special officers or citizens who have not had a reasonable time from the date they were appointed, summoned or deputized, to register with said association; and provided further, that said reasonable time shall not exceed thirty (30) days.

Sec. 5. Creating of Executive Board. The executive board shall consist of the Mayor of Edenton, N. C., the Chief of Police of Edenton, the

Chairman of the Board of County Commissioners of Chowan County, the Sheriff of Chowan County and the Sergeant or officer in charge of the State Highway Patrol of Chowan County. The officer in charge in Chowan County will be the State Highway Patrol or officer with the most seniority. The said board shall elect a chairman at its first meeting in each year. A majority of the members of said executive board shall constitute a quorum for the transaction of business.

Sec. 6. Source of Revenue. In all criminal cases in Chowan County, North Carolina, brought in all courts wherein the defendant enters a plea of nolo contendere, a plea of guilty, or shall be adjudged guilty by the court or found guilty by a jury, wherein the costs of the action are paid by the defendant, there shall be taxed in the bill of costs a fee of one dollar ($1.00) to be known as the Peace Officers' Emergency Fee, and shall be collected as other costs in criminal cases are collected, by the justice of the peace, clerk, or other officer of the court authorized to receive costs; such funds so received shall be accounted for monthly, a copy of which report shall be sent to the chairman of the executive board, and such funds turned over to the Treasurer of the Chowan County Peace Officers' Protective Association to be held by him and securely kept for the purpose of the association. Provided, however, that such officers' emergency fee shall not be taxed in the costs in cases where the cost is paid by the county. Donations and contributions to said Chowan County Peace Officers' Protective Association may be received from any source approved by the executive board.

Sec. 7. Application of Fund. The money so paid into the hands of the Treasurer of the Chowan County Peace Officers' Protective Association shall be known as the Chowan County Peace Officers' Relief Fund, and shall be used as a fund for the relief of members of said association who may be injured or rendered sick by disease contracted while a member of the association, and for the relief of their widows and children and if there be no widows and children, then dependent mothers of such officers killed or dying from injuries or disease so contracted while a member of the association and as a pension fund for peace officers grown old in line of duty, and also for the benefit of special officers or citizens injured as such peace officers. All persons entitled to benefits under this Section shall make application to the executive board, above provided for, and said executive board shall investigate each such application and shall determine what benefits shall be paid. The decision of the executive board shall be final and conclusive as to what persons are entitled to benefits and as to the amount of the benefits to be paid, and said executive board shall have power to increase or decrease monthly benefits at any time, and no action at law or suit in equity shall be maintained against said association to enforce any claim or recover any benefit under this Article or under the constitution and bylaws of said association; but if any officer or committee of said association omit or refuse to perform any duty imposed upon him or them, nothing therein contained shall be construed to prevent any proceedings against said officer or committee to compel him or them to perform such duty.

Sec. 8. Duties of Treasurer. The treasurer shall be elected by the executive board at its first meeting in each year. The treasurer shall give good and sufficient surety in a sum not less than the amount of money on hand, such bond to be paid for out of the funds of the association, and shall make annual reports to the executive board showing the total amount of money in his hands at the time of the filing of the report, and also an account of receipts and expenditures since his last report. The accumulated funds of the association may be invested in bonds and securities unanimously approved by the executive board. All interest and other income received from investment or deposits shall be added to the principal of said fund. Expenditures shall only be made upon vouchers properly signed by the chairman of the executive board, the secretary, and the treasurer.

Sec. 9. Salaries and Expenses. All officers and members of the executive board shall serve without compensation, and no salaries shall be paid except an appropriation of ten dollars ($10.00) per month for a secretary who shall be appointed by the executive board. Necessary office and stationery supplies shall be paid for out of the funds of the association.

Sec. 10. Constitution and Bylaws. The Chowan County Peace Officers' Protective Association shall adopt a constitution and bylaws, to be approved by the executive board, suitable for carrying out the provisions and purposes of this Act.

Sec. 11. Insurance on Members. The executive board shall have authority to insure the members of the Chowan County Peace Officers' Protective Association against death or disability, or both, during the terms of their employment or terms of office, under forms of insurance known as group insurance or other insurance and the premiums on such insurance to be payable out of the funds of the association.

Sec. 12. Funds not Taxable. The current or accumulated funds of the association shall not be subject to State, county, or municipal taxation.

Sec. 13. Violation of Provisions of Act Misdemeanor. Any person, firm, or corporation guilty of violating any provisions of this Act shall be guilty of a misdemeanor and shall be fined or imprisoned or both within the discretion of the court.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 669 CHAPTER 506

AN ACT TO ESTABLISH A LAW LIBRARY IN HENDERSON COUNTY.

WHEREAS, a law library is deemed a necessity for the use of the officials of Henderson County and the courts held in said county and licensed attorneys practicing law in said county and who are residents of said county; and

WHEREAS, it is desired to provide for the proper equipment, books, records necessary and requisite, and for the support and maintenance of said library: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of County Commissioners, the Clerk of the Superior Court, and the President of the Henderson County Bar Association, and their successors in office, be and they are hereby constituted the custodians of all books, supplies, equipment and furniture of the law library which shall be kept and maintained for the County of Henderson and the use of the officials of said county and the courts held therein and resident attorneys practicing law in said county.

Sec. 2. All books, equipment, supplies and furniture of said library shall be the property of the County of Henderson, and the said county is authorized and empowered to hold said property and to add thereto from time to time by gift, donation, purchase or otherwise, such books, records, equipment and furniture as may be deemed reasonably necessary and proper for the use of said officials, courts and attorneys.

Sec. 3. The Clerk of Superior Court of Henderson County shall be, and he is hereby constituted to act as librarian of said library, without compensation. It shall be the duty of said librarian to keep said library open during such hours as may be fixed by the custodians hereinbefore provided for, and shall obey all rules and regulations which may be prescribed for the government and management of said library.

Sec. 4. In order to provide a fund for the extension, maintenance and support of said library, the sum of one dollar ($1.00) shall be taxed as cost and collected by the Clerk of Superior Court in each and every criminal case tried and disposed of in the County Court and the Superior Court of Henderson County after the ratification of this Act, and same shall be put in a fund to be known and designated as a library fund; and the said fund shall be deposited by the Clerk of Superior Court in a bank designated for that purpose and shall be used solely for the purpose of purchasing books, equipment and providing for the maintenance and operation of said library.

Sec. 5. It shall also be the duty of the judges of all inferior courts, including all Justices of the Peace of Henderson County, to collect from the defendants in each and every case finally disposed of in their respective courts, the sum of one dollar ($1.00) which amount shall be paid monthly to the Clerk of Superior Court of Henderson County to supplement the aforesaid library fund, and which shall be expended in the manner provided in this Act.

Sec. 6. From the funds collected from time to time, as provided in Sections 4 and 5 of this Act, it shall be the duty of the Clerk of Superior Court of Henderson County to purchase and pay for such volumes and sets of books and equipment as shall be recommended and agreed upon by a committee to be appointed annually by the Henderson County Bar Association. All checks on said account shall be drawn and signed by the

Clerk of Superior Court of Henderson County and it shall be the duty of said Clerk to keep a correct account of all receipts and disbursements in connection with said library fund.

Sec. 7. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 688 CHAPTER 507

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY TO PLACE CERTAIN SURPLUS FUNDS INTO A SPECIAL FUND TO BE USED FOR CAPITAL IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Section 1. In all those townships or special taxing districts, except in Franklinton and Louisburg Townships, in Franklin County, where surplus funds which now or may hereafter remain and are surplus after the payment of all bonded indebtedness of said townships or special taxing districts, the board of county commissioners of said county is authorized to place such surplus funds in a special fund to be used in its discretion for capital improvements in the county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 710 CHAPTER 508

AN ACT RELATING TO THE OPERATION OF LOUD SPEAKERS, RADIOS, PICCOLOS, PHONOGRAPHS OR OTHER MACHINERY OR DEVICES FOR THE REPRODUCTION OF MUSICAL AND HUMAN VOICES OUTSIDE OF BUILDINGS AFTER 11:00 O'CLOCK AT NIGHT IN THE RURAL AREAS OF LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm or corporation in the rural areas of Lee County outside the corporate limits of the City of Sanford between the hours of 11:00 o'clock P. M. and 7:30 o'clock A. M. to play or operate any loud speaker, radio, piccolo, phonograph, musical devices or other machinery or device of any kind whatsoever for the reproduction of musical or human voices or a combination thereof, in such a way and manner and at such pitch as to produce such volume of sound as to annoy and disturb any person or persons living in the vicinity thereof, or so as to constitute a nuisance to the general public, or to any

one person; provided nothing herein shall be construed to prevent the lawful operation of duly licensed drive-in theatres.

Sec. 2. Any person, firm or corporation violating the provisions of this Act shall be punished by a fine not exceeding fifty dollars ($50.00) or imprisonment for not more than thirty (30) days, in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 712 CHAPTER 509

AN ACT RELATING TO THE OPERATION OR PLAYING OF POOL OR BILLIARDS ON SUNDAY IN THE RURAL AREAS OF LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm or corporation to operate or play or permit to be operated or played the game of pool or billiards at any place in Lee County on Sunday outside of the corporate limits of the City of Sanford.

Sec. 2. Any person, firm or corporation violating the provisions of this Act shall be punished by a fine not to exceed fifty dollars ($50.00) or imprisonment for not more than thirty (30) days, in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

H. B. 744 CHAPTER 510

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A PART-TIME ASSISTANT CLERK OF SUPERIOR COURT IN BURKE COUNTY AND TO FIX HIS COMPENSATION.

The General Assembly of North Carolina do enact:

Section 1. In addition to full-time Assistant Clerks of Superior Court which the Clerk of Superior Court of Burke County may now or hereafter lawfully appoint, he shall also be authorized and empowered to appoint one part-time Assistant Clerk of Superior Court. Such part-time Assistant Clerk shall serve at the will of the Clerk, shall be vested while serving with all the powers and duties imposed by law upon Assistant Clerks of Superior Court generally, and shall be compensated upon a weekly basis

for services performed in an amount equal to one-fifty-second (1/52) part of the annual salary which is now or may from time to time hereafter be fixed for Assistant Clerks of Superior Court in Burke County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1959.

S. B. 97 CHAPTER 511

AN ACT TO CLARIFY THE EXEMPTION OF CERTAIN PROPERTY FROM AD VALOREM TAXATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-296 is hereby amended as follows:

(a) By adding a new subdivision thereto to be designated as subdivision (12) and to read as follows:

"(12) Buildings with the land upon which they are situated, together with the additional adjacent land reasonably necessary for the convenient use of such buildings, lawfully owned and held by churches or other religious bodies or organizations, and used for the general or promotional offices or headquarters of such churches or religious bodies or organizations."

(b) By adding a new subdivision thereto to be designated as subdivision (13) and to read as follows:

"(13) Notwithstanding any of the other provisions of this Section, when any building and additional adjacent land necessary for the convenient use of said building belongs to an organization enumerated in subdivisions (3) through (7) or (10) or (12) of this Section and a part thereof is devoted to the purposes for which an exemption from ad valorem taxes would be allowed by said subdivisions if the entire building and grounds were exclusively used for such purposes, then such property shall be exempt from ad valorem taxes to the extent of that pro rata part so used."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect beginning with the taxes which fall due on the first Monday in October, 1959, and thereafter.

In the General Assembly read three times and ratified, this the 13th day of May, 1959.

H. B. 384 **CHAPTER 512**

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 39 OF THE GENERAL STATUTES RELATING TO CONVEYANCES OF REAL PROPERTY BY HUSBAND AND WIFE.

The General Assembly of North Carolina do enact:

Section 1. Article 2 of Chapter 39 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 39-13.3 to be designated as G. S. 39-13.4 and to read as follows:

"G. S. 39-13.4. Conveyances by Husband or Wife Under Deed of Separation. Any conveyance of real property, or any interest therein, by the husband or wife who have previously executed a valid and lawful deed of separation which authorizes said husband or wife to convey real property or any interest therein without the consent and joinder of the other and which deed of separation is recorded in the county where the land lies, shall be valid to pass such title as the husband or wife may have to his or her grantee, unless the deed of separation so recorded and registered in the register of deeds' office is cancelled of record by both parties and duly witnessed by the register of deeds or a deputy or assistant register of deeds of said county, or unless an instrument in writing cancelling the deed of separation and properly executed and acknowledged by said husband and wife is recorded in the office of said register of deeds."

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 13th day of May, 1959.

H. B. 535 **CHAPTER 513**

AN ACT TO AMEND CHAPTER 135 OF THE GENERAL STATUTES RELATING TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 135-1 is hereby amended by striking out the word "earnable" in lines 1 and 4 of the paragraph numbered "(17)" and inserting the word "actual" in lieu thereof.

Sec. 1½. (a) Subsection (f) of G. S. 135-4 is hereby amended by rewriting the third sentence thereof to read as follows:

"Teachers and other State employees who enter the armed services of the United States on or after July 1, 1950, or who engage in active military service on or after July 1, 1950, and who return to the service of the State within a period of 2 years after being separated or released, or becoming entitled to be separated or released, from such active military service under other than dishonorable conditions shall be entitled to full membership service credit for the period of such active service in the armed services."

(b) Subsection (f) of G. S. 135-4 is hereby further amended by adding at the end thereof a new sentence to read as follows:

"The provisions of this subsection shall also apply to members of the National Guard with respect to teachers and State employees who are called into Federal service or who are called into State service, to the extent that such persons fail to receive compensation for performance of the duties of their employment other than for service in the National Guard."

Sec. 2. Subsection (f) of G. S. 135-5 is hereby amended by striking out the first sentence and inserting in lieu thereof the following:

"Should a member cease to be a teacher or State employee except by death or retirement under the provisions of this Chapter, he shall be paid upon his request the sum of his contributions and one half of the accumulated regular interest thereon. Upon payment of such sum his membership in the System shall cease and, if he thereafter again becomes a member, no credit shall be allowed for any service previously rendered; and such payment shall be in full and complete discharge of any rights in or to any benefits otherwise payable hereunder."

Sec. 3. (a) Subsection (h) of G. S. 135-5 is hereby amended by striking out said subsection and inserting in lieu thereof the following:

"Option 4. Adjustment of Retirement Allowance for Social Security Benefits. Until the first payment on account of any benefit becomes normally due, any member may elect to convert his benefit otherwise payable on his account after retirement into a retirement allowance of equivalent actuarial value of such amount that with his benefit under Title II of the Federal Social Security Act, he will receive, so far as possible, approximately the same amount per year before and after age sixty-five (65) in the case of a man or age sixty-two (62) in the case of a woman. A member who makes an election in accordance with this option shall be deemed to have made a further election of option one above."

(b) Subsections (i) and (j) of G. S. 135-5 are hereby re-designated to be subsections "(h)" and "(i)", respectively.

Sec. 4. G. S. 135-8 is hereby amended:

(a) By striking out the word "earnable" in lines 4, 10 and 17 of paragraph (1) of subsection (b) and inserting in lieu thereof the word "actual", and by deleting the last sentence of said paragraph (1).

(b) By rewriting paragraph (4) of subsection (b) to read as follows:

"In addition to contributions deducted from compensation as hereinbefore provided, subject to the approval of the board of trustees, any member may redeposit in the annuity savings fund by a single payment an amount equal to the total amount which he previously withdrew therefrom, as provided in this Chapter. Such amounts so redeposited shall become a part of his accumulated contributions as if such amounts had initially been contributed within the calendar year of such redeposit. In no event, however, shall any member be permitted to redeposit any amount withdrawn after July 1, 1959."

(c) By rewriting paragraph (5) of subsection (b) to read as follows:

"Subject to the approval of the board of trustees, any member who is granted by his employer a leave of absence for the sole purpose of acquiring knowledge, talents, or abilities which are, in the opinion of the employer, expected to increase the efficiency of the services of the member to his or her employer, may make monthly contributions to the Retirement System on the basis of the salary or wage such member was receiving at the time such leave of absence was granted."

(d) By striking out the word "earnable" in lines 3 and 5 of paragraph (1) of subsection (d) and inserting in lieu thereof the word "actual", and by striking out the words "total compensation earnable by" in line 4 of paragraph (4) of subsection (d) and inserting in lieu thereof the words "total actual compensation of".

(e) By adding a new subsection at the end of said Section to be designated as "Subsection (g)" and to read as follows:

"(g) Notwithstanding the foregoing, effective at such date not later than December 31, 1959, as the board of trustees may determine, the Annuity Reserve Fund and the Pension Reserve Fund shall be merged into and become a part of the Pension Accumulation Fund, provided that such merger shall in no way adversely affect the rights of any members or retired members of the System and further provided the board of trustees shall be and hereby is authorized to make such changes in the accounting methods and procedures of the System from time to time as, in its opinion, are in the interest of sound and proper administration of the System."

Sec. 5. G. S. 135-27 is hereby amended:

(a) By striking out the word "or" and inserting a comma in lieu thereof in lines 3 and 4 of subsection (a) and by adding at the end of line 4 the words "and the State Employees' Credit Union".

(b) By adding at the end of subsection (b) the following sentence:

"Such former State employee may restore any such account and pay into the Annuity Savings Fund before July 1, 1960, such amounts as would have been paid after transfer to such service, provided that the association makes contributions to the Retirement System on behalf of such former members in accordance with subsection (c) of this Section."

(c) By striking out the word "earnable" in line 4 of subsection (c) and inserting in lieu thereof the word "actual".

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 13th day of May, 1959.

S. B. 73 **CHAPTER 514**

AN ACT TO AMEND CHAPTER 39, ENTITLED "CONVEYANCES", OF THE GENERAL STATUTES SO AS TO DETERMINE THE RISK OF DESTRUCTION OR CONDEMNATION AS BETWEEN VENDOR AND PURCHASER OF REAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 39, entitled "Conveyances", of the General Statutes is hereby amended by adding at the end thereof a new Article to read as follows:

"ARTICLE 7

"Uniform Vendor and Purchaser Risk Act.

"§39-37. Short Title. This Act may be cited as the Uniform Vendor and Purchaser Risk Act.

"§39-38. Uniformity of Interpretation. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

"§39-39. Risk of Loss. Any contract hereafter made in this State for the purchase and sale of realty shall be interpreted as including an agreement that the parties shall have the following rights and duties, unless the contract expressly provides otherwise:

(1) If, when neither the legal title nor the possession of the subject matter of the contract has been transferred, all or a material part thereof is destroyed without fault of the purchaser, the vendor cannot enforce the contract, and the purchaser is entitled to recover any portion of the price that he has paid;

(2) If, when either the legal title or the possession of the subject matter of the contract has been transferred, all or any part thereof is destroyed without fault of the vendor, the purchaser is not thereby relieved from a duty to pay the price, nor is he entitled to recover any portion thereof that he has paid."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

S. B. 123 **CHAPTER 515**

AN ACT TO AMEND G. S. 20-28 TO MAKE THE RELIEF PROVISIONS THEREIN APPLY RETROSPECTIVELY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of G. S. 20-28, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the second and third sentences of said subsection and by inserting therein, following the first sentence, the following: "Upon the filing of such application, the Department may, with or without a hearing, issue a new license upon satisfactory proof that the former licensee has

been of good behavior for a minimum of three years from the last date of suspension or revocation and that his conduct and attitude are such as to entitle him to favorable consideration.

"Notwithstanding any other provisions of this Section, in those cases of conviction of the offense provided in this Section in which the judge and solicitor of the court wherein a conviction for violation of this Section was obtained recommend in writing to the Department that the Department examine into the facts of the case and exercise discretion in suspending or revoking the driver's license for the additional periods provided by this Section, the Department shall conduct a hearing and may impose a lesser period of additional suspension or revocation than that provided in this Section or may refrain from imposing any additional period. Any person convicted of violating this Section before or after the effective date of this amendment shall be entitled to the benefit of the foregoing relief provisions.

"Upon conviction, a violator of this Section shall be punished by a fine of not less than two hundred dollars ($200.00) or imprisonment in the discretion of the court, or both; provided, however, the restoree of a suspended or revoked operator's or chauffeur's license who operates a motor vehicle upon the streets or highways of the State without maintaining financial responsibility as provided by law shall be punished as for operating without an operator's license."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

S. B. 275 CHAPTER 516

AN ACT AMENDING THE CHARTER OF THE TOWN OF SPRUCE PINE SO AS TO AUTHORIZE THE COMMISSIONERS OF SAID TOWN TO FIX THE SALARY OF THE MAYOR AT NOT MORE THAN FIFTY DOLLARS PER MONTH AND THE COMMISSIONERS AT NOT MORE THAN TWENTY-FIVE DOLLARS PER MONTH EACH.

The General Assembly of North Carolina do enact:

Section 1. That Section 5 of Chapter 335, Private Laws of 1913, the same being the Charter of the Town of Spruce Pine, be and the same is hereby amended by rewriting the last line of said Section to read as follows:

"and shall have authority to fix the compensation of the mayor at not more than fifty dollars ($50.00) per month and the commissioners at not more than twenty-five dollars ($25.00) per month each, to be paid from the general fund."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

S. B. 304 CHAPTER 517

AN ACT TO AMEND CHAPTER 837 OF THE SESSION LAWS OF 1955 RELATING TO LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 837 of the Session Laws of 1955 is amended by adding at the end thereof the following:

"In addition to the monthly salary, all members of the board of commissioners shall be authorized to receive twenty-five dollars ($25.00) for attendance at special meetings of the board of commissioners. The total compensation of each member of the board for attending special meetings shall not exceed three hundred dollars ($300.00) in any one fiscal year."

Sec. 2. This Act shall apply only to Lincoln County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

S. B. 305 CHAPTER 518

AN ACT TO PROVIDE FOR A PURCHASING AGENT FOR MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Mecklenburg County shall have and is hereby given the power and authority to employ such person as it may deem fit and suitable to act as purchasing agent for all supplies to be purchased by the board of commissioners, and to pay to said purchasing agent such salary as the board of commissioners shall deem fit and proper.

Sec. 2. Section 1 of Chapter 280, Public-Local Laws of 1925, as amended by Chapter 392, Public-Local Laws of 1927, is further amended by inserting a period following the phrase "services of the county" and by deleting the following: "and shall act as purchasing agent for all supplies required to be purchased by the board of county commissioners."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

S. B. 310 **CHAPTER 519**

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF SHALLOTTE TO DETERMINE WHETHER ALCOHOLIC BEVERAGE CONTROL STORES SHALL BE ESTABLISHED IN SAID TOWN AND TO PRESCRIBE THE METHOD OF OPERATION AND THE DISPOSITION OF THE NET PROFITS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the Town of Shallotte may on its own motion and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the Town of Shallotte order an election to be held on the question of whether or not town alcoholic beverage control stores may be operated in the Town of Shallotte and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for alcoholic beverage control stores to be set up and operated in the Town of Shallotte, but if a majority of the votes cast in said election shall be against the operation of said alcoholic beverage control stores, no such stores shall be set up and operated in the Town of Shallotte under the provisions of this Act.

Sec. 2. The Board of Aldermen of the Town of Shallotte may submit the questions herein above-mentioned and call a special election for the purpose of submitting said question on or before October 11, 1959. In the event said special election is called, same shall be held and conducted on the dates fixed by the Board of Aldermen of the Town of Shallotte. A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to the registration for the election and those who register in said alcoholic beverage control election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed upon separate lines for each proposition "For City Alcoholic Beverage Control Stores", "Against City Alcoholic Beverage Control Stores". Those favoring setting up and operating alcoholic beverage control stores in the Town of Shallotte shall mark in the voting square to the left of the words "For City Alcoholic Beverage Control Stores" printed on the ballot and those opposed to city alcoholic beverage control stores shall mark in the voting square to the left of the words "Against City Alcoholic Beverage Control Stores". Except as otherwise provided herein, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the Board of Aldermen of the Town of Shallotte and the cost thereof shall be paid from the general fund of the Town of Shallotte.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against City Alcoholic Beverage Control Stores", the City Alcoholic Beverage Control Board shall within three months from the canvassing of such votes and declaration of the results thereof close such stores and shall thereafter cease to operate the same and within said three months the Control Board shall dispose of all alco-

holic beverages on hand, all fixtures and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the City Treasurer. Thereafter, all public, public-local and private laws applicable to the sale of intoxicating beverages within said Town of Shallotte in force and effect prior to the authorization to operate city alcoholic beverage control stores shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For City Alcoholic Beverage Control Stores". No election shall be called and held in the Town of Shallotte under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the Town of Shallotte to order the Alcoholic Beverage Control election on its own motion or within sixty (60) days after a petition shall have been presented, filed and signed by at least fifteen per cent (15%) of the registered and qualified voters of the Town of Shallotte requesting the same.

Sec. 4. If the operation of city alcoholic beverage control stores is authorized under the provisions of this Act, the Board of Aldermen of the Town of Shallotte shall immediately create a City Board of Alcoholic Control to be composed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Shallotte Board of Alcoholic Control". The members and chairman of said board shall be designated by the mayor and governing body of the city and the member designated as chairman shall serve for his first term a period of three years. As to the other members, one member shall serve for his first term a period of two years and the other member shall serve for his first term a period of one year; and all terms shall begin with the date of their appointment. Thereafter, as the terms of the chairman and members expire, their successors in office shall serve for terms of three years each, and until their successors are appointed and qualified. Any vacancy shall be filled by the board of aldermen for the unexpired term. Compensation of the members of said City Board of Alcoholic Control shall be fixed by the Board of Aldermen of the Town of Shallotte.

Sec. 5. The said Town of Shallotte Board of Alcoholic Control shall have all of the powers and duties imposed by G. S. 18-45 on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in G. S. 18-39. The said Town of Shallotte Board of Alcoholic Control and the operation of any city alcoholic beverage control stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes of North Carolina except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include the Town of Shallotte Board of Alcoholic Control. The Town of Shallotte

Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem wise and fix their compensation.

Sec. 6. Out of the gross profits derived from the operation of said alcoholic beverage control stores and after the payment of all costs and operating expenses and after retaining sufficient and proper working capital, the amount thereof to be determined by the Town of Shallotte Board of Alcoholic Control, said board shall further expend an amount as necessary for law enforcement purposes of not less than five per cent (5%) nor more than ten per cent (10%) thereof, to be determined by quarterly audit, which amount shall supplement and not supplant the amount usually budgeted for such purposes by the Town of Shallotte. In the expenditure of said funds, the City Board of Alcoholic Control shall employ one or more persons as law enforcement officer or officers to be appointed by and directly responsible to the said board. The person or persons so appointed shall, after taking the oath prescribed by law for peace officers, have the same powers and authorities within Brunswick County as other peace officers. And any such person or persons so appointed, or any other peace officer while in hot pursuit of anyone found to be violating the prohibition laws of this State, shall have the right to go into any other county of the State and arrest such defendant therein so long as such hot pursuit of such person shall continue, and the common law of hot pursuit shall be applicable to said offenses and such officer or officers. Any law enforcement officer appointed by the said Board of Alcoholic Control and any other peace officer are hereby authorized, upon request of the sheriff or other lawful officer in any other county, to go into such other county and assist in suppressing a violation of the prohibition laws therein, and while so acting, shall have such powers as a peace officer as are granted to him in Brunswick County and be entitled to all the protection provided for said officer while acting in his own county.

Out of the net profits derived from the operation of said alcoholic beverage control stores, the Town of Shallotte Board of Alcoholic Control shall, on a quarterly basis, pay over to the following-named governing bodies, departments, boards, and agencies amounts equal to the percentages of the net profits which shall be expended by said governing bodies, departments, boards, and agencies for these purposes and none other as follows:

(a) Five per cent (5%) to be given to the J. Arthur Dosher Memorial Hospital.

(b) Ten per cent (10%) to be given to Shallotte High School.

(c) Fifteen per cent (15%) to be placed in a trust fund for a future water system in the Town of Shallotte.

(d) Fifty per cent (50%) to go to the general fund of the Town of Shallotte.

(e) Twenty per cent (20%) to go to the Board of Education of Brunswick County.

Sec. 7. The Town of Shallotte Board of Alcoholic Control may authorize the establishment and operation of additional stores within the municipality if, in its discretion, it finds the same desirable.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

S. B. 314 CHAPTER 520

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HARNETT COUNTY TO FIX THE FEES TO BE CHARGED BY THE SHERIFF, CLERK OF THE SUPERIOR COURT, AND REGISTER OF DEEDS OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Harnett County is hereby authorized and empowered, after first receiving the advice and recommendation of the Harnett County Judicial Council as established by Chapter 536 of the 1955 Session Laws, to fix the fees to be charged by the Sheriff, Clerk of the Superior Court, and the Register of Deeds of Harnett County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

H. B. 289 CHAPTER 521

AN ACT TO REWRITE SUBSECTION 4 OF G. S. 105-296 SO AS TO CLARIFY ITS PROVISIONS AND INCLUDE IN THE EXEMPTION FROM TAXATION ALL LANDS, BUILDINGS AND FACILITIES REASONABLY NECESSARY AND USEFUL IN THE FUNCTIONAL OPERATION OF PUBLIC LIBRARIES AND EDUCATIONAL INSTITUTIONS.

The General Assembly of North Carolina do enact:

Section 1. Subsection 4 of Section 105-296 of the General Statutes is hereby rewritten so as to read as follows:

"4. Buildings, with the land occupied, wholly devoted to educational purposes, belonging to and exclusively occupied and used by public libraries, museums, colleges, academies, industrial schools, seminaries, and any other institutions of learning, together with such additional land owned by such labraries and educational institutions as may be reasonably necessary for the convenient use of such buildings, and also such other buildings and facilities located on the premises of such institutions as may be reasonably necessary and useful in the functional operation of such institutions: Provided, however, that the exemption of this subsection shall

not apply to any institution organized or operated for profit, or if any officer, shareholder, member, or employee thereof or other individual shall be entitled to receive any precuniary profit from the operations thereof, except reasonable compensation for services."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

H. B. 443 CHAPTER 522

AN ACT TO AMEND G. S. 1-589 AND G. S. 8-59 SO AS TO PROVIDE FOR THE SERVICE OF SUBPOENAS AND SUMMONSES FOR JURORS BY TELEGRAM OR CERTIFIED MAIL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-589 is hereby amended by rewriting said Section to read as follows:

"§1-589. Service by Telephone, Telegram, or Certified or Registered Mail on Witnesses and Jurors. Sheriffs, constables and other officers charged with service of such process may serve subpoenas for witnesses and summonses for jurors by telephone, telegram, or certified or registered mail, and such service shall be valid and binding on the person served. When such process is served by telephone, the return of the officer serving it shall state it was served by telephone. When served by certified or registered mail, a copy shall be mailed and a written receipt requested of the addressee and such receipt shall be filed with the return and be a necessary part thereof. When such process is served by telegram, the return of the officer serving it shall state it was so served and shall attach to the subpoena or summons a copy of such telegram, setting forth the subpoena or summons in full, and a service message from the telegraph company showing personal delivery of such telegram to the addressee; a return so made shall be prima facie evidence of such service and the person therein named shall be bound to appear in the same manner as if personally served."

Sec. 2. G. S. 8-59 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"A subpoena may also be served by telephone, telegram, or certified or registered mail as provided in G. S. 1-589."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

H. B. 522 **CHAPTER 523**

AN ACT TO AMEND CHAPTER 143 OF THE GENERAL STATUTES RELATING TO THE MEMBERSHIP, POWERS, AND DUTIES OF THE NORTH CAROLINA STATE PORTS AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. General Statutes 143-216, 1958 Replacement Volume 3B, is amended by striking out in line 3 the word "seven" and inserting in lieu thereof the word "nine".

Sec. 2. On or after the first day of June, 1959, the Governor shall appoint two additional members of the board, to serve until the expiration of the term of the present members, and thereafter such additional members shall be appointed in accordance with the provisions of General Statutes 143-216, 1958 Replacement Volume 3B.

Sec. 3. Subsection 9 of General Statutes 143-218, 1958 Replacement Volume 3B, is amended by inserting between the word "thereof" and the word "for" in line 3 of said subsection the following: "or from any public or private sources available".

Sec. 4. Subsection 9 of General Statutes 143-218, 1958 Replacement Volume 3B, is amended by inserting after the comma following the word "thereof" and before the word "and" in line 7 the following: "or any public or private lender or donor,".

Sec. 5. Subsection 9 of General Statutes 143-218, 1958 Replacement Volume 3B, is amended by inserting a comma after the word "required" in line 8 and deleting from line 8 the following words: "by any such Federal agency,".

Sec. 6. Article 22 of Chapter 143 of General Statutes is amended by adding a new Section to be designated §143-218.1 which shall read as follows:

"§143-218.1. Approval of Acquisition and Disposition of Real Property. Any transactions relating to the acquisition or disposition of real property or any estate or interest in real property, by the North Carolina State Ports Authority, shall be subject to prior review by the Governor and Council of State, and shall become effective only after the same has been approved by the Governor and Council of State. Upon the acquisition of real property or other estate therein, by the North Carolina State Ports Authority, the fee title or other estate shall vest in and the instrument of conveyance shall name the "North Carolina State Ports Authority" as grantee, lessee, or transferee. Upon the disposition of real property or any interest or estate therein, the instrument of conveyance or transfer shall be executed by the North Carolina State Ports Authority. The approval of any transaction by the Governor and Council of State may be evidenced by a duly certified copy of excerpt of minutes of the meeting of the Governor and Council of State, attested by the Private Secretary to the Governor or the Governor, reciting such approval, affixed to the instrument of acquisition or transfer, and said certificate may be recorded as a part thereof, and the same shall be conclusive evidence of review and approval of the subject transaction by the Governor and Council of State. The Gov-

ernor, acting with the approval of the Council of State, may delegate the review and approval of such classes of lease, rental, easement, or right of way transactions as he deems advisable, and he may likewise delegate the review and approval of the severance of buildings and timber from the land."

Sec. 7. General Statutes 143-224 is amended by adding at the end thereof a new paragraph to read as follows:

"The Executive Director of the Authority is authorized to appoint such number of employees of the Authority as he may think proper as special policemen, who, when so appointed, shall have all the powers of policemen of incorporated towns. Such policemen shall have the power to arrest without warrant persons committing violations of State law in their presence in or on any of the grounds and in any of the harbors and seaports within the State over which the Authority has jurisdiction. Employees appointed as such special policemen shall take the general oath of office prescribed by General Statutes 11-11."

Sec. 8. General Statutes 143-225 is amended by striking out the first sentence, which reads as follows: "The Authority shall select one of its members to serve as its Treasurer", and inserting in lieu thereof the following: "The Authority shall select its own Treasurer".

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

H. B. 572 CHAPTER 524

AN ACT AMENDING ARTICLE 9 OF CHAPTER 115 OF THE GENERAL STATUTES AUTHORIZING THE ESTABLISHMENT OF SCHOOL CAPITAL OUTLAY RESERVE FUNDS.

The General Assembly of North Carolina do enact:

Section 1. Article 9 of Chapter 115 of the General Statutes is hereby amended by inserting new Sections immediately following G. S. 115-80 of said Article to read as follows:

"G. S. 115-80.1. School Capital Reserve Fund. (a) A capital outlay budget of any school administrative unit within the county may contain an amount to be appropriated for payment into a special fund which shall be designated '..... County School Capital Reserve Fund', hereinafter referred to as 'the Reserve Fund'. Such amount, together with similar amounts which may be contained in subsequent capital outlay budgets of any such school administrative unit, shall be for the purpose of anticipating future needs for school capital outlay and for financing all or a part of the cost thereof: Provided, withdrawals from the Reserve Fund, as hereinafter provided, for the cost of needs in a particular school administrative unit shall be limited to the amount or

the aggregate amounts contained in the approved capital outlay budget or budgets of the particular unit, together with a proportionate share of the net earnings from investment of the Reserve Fund.

"(b) Upon approval of a capital outlay budget by the board of county commissioners, which budget contains such amounts so appropriated, the Reserve Fund shall be deemed to have been duly established. The Reserve Fund shall be maintained as a separate account from all other funds, and payments thereto or deposits therein shall be in such bank or trust company as the board of county commissioners may designate as depositary thereof. The board shall promptly designate such depositary upon establishment of the Reserve Fund, and all such deposits shall be secured as provided by G. S. 159-28 of the Local Government Act.

"G. S. 115-80.2. Withdrawals from the Reserve Fund. Each withdrawal from the Reserve Fund shall be authorized by order passed by the board of county commissioners and upon petition therefor as hereinafter provided. The Board of Education of any school administrative unit in the county may petition for a withdrawal, which petition shall be by resolution duly adopted by said Board of Education, and a certified copy of such resolution shall be transmitted to the board of county commissioners. The resolution shall set forth:

(1) A request to the board of county commissioners for the withdrawal;

(2) The amount of such withdrawal;

(3) A brief description of the needs and the name or location of the school or schools where such needs exists;

(4) A statement that the withdrawal is for the purpose of financing the cost of such needs either together with other funds available for the same, specifying their amounts and source, or that there are no other funds available therefor, as the case may be; and

(5) A declaration that the fulfillment of such needs is necessary for the maintenance of the public school term as required by the Constitution and laws of North Carolina.

Upon receipt of the petition by the board of county commissioners, said board of commissioners may, in its discretion, pass an order authorizing the withdrawal either in conformity with the petition or with modification thereof or may decline to pass such order: Provided, said board of county commissioners shall not pass an order authorizing withdrawal of an amount in excess of the amount set forth in the petition or in excess of the amount in the Reserve Fund to the credit of the administrative unit requesting withdrawal. Each withdrawal so authorized shall be by check drawn on the depositary for an amount equal to the amount so authorized, which check shall be signed by the chairman of the board of county commissioners and by the county accountant and shall be deposited for disbursement in the same manner as other school capital outlay funds are disbursed.

"G. S. 115-80.3. Investments. Pending their use for the purposes hereinbefore authorized, all or part of the moneys in the Capital Reserve Fund may be invested in either bonds, notes, bills, or certificates of indebtedness of the United States of America; or in bonds or notes of any agency

or instrumentality of the United States of America the payment of principal and interest of which is guaranteed by the United States of America; or in bonds or notes of the State of North Carolina; or in bonds of any county, city or town of North Carolina which have been approved by the Local Government Commission for the purpose of such investment; or in shares of any building and loan association organized and licensed under the laws of this State, or in shares of any federal savings and loan association organized under the laws of the United States with its principal office in this State, to the extent that such investment is insured by the Federal Government or any agency thereof. The proceeds of the sale or realization of such investments and any interest received from such investments shall accrue to the Capital Reserve Fund.

"G. S. 115-80.4. Limitation. It shall be unlawful to withdraw or expend, or to cause to be withdrawn or expended, all or any part of the Capital Reserve Fund except as authorized by this Article.

"G. S. 115-80.5. Accounting for the Reserve Fund. The county accountant shall keep accurate accounts of all receipts, disbursements and assets of the Reserve Fund and, at the close of each fiscal year and at such other times as the board of county commissioners may request, prepare and submit to said board a statement of receipts and disbursements and of the assets of the Reserve Fund. He shall annually, and within thirty days after the close of each fiscal year, furnish such statement to the Board of Education of each school administrative unit in the county."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

H. B. 649 CHAPTER 525

AN ACT TO AMEND G. S. 153-77 RELATING TO THE PURPOSES FOR WHICH BONDS MAY BE ISSUED AND TAXES LEVIED BY COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-77, as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by adding a new subsection immediately following subsection (q) and to be designated as subsection (r) and to read as follows:

"(r) To repay any loan made by the State Board of Education from the State Literary Fund to counties for the use of county and city boards of education under the provisions of Article 11 of Chapter 115 of the General Statutes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

H. B. 735 **CHAPTER 526**

AN ACT TO AMEND CHAPTER 338, PRIVATE LAWS OF 1909, AND CHAPTER 366, PUBLIC-LOCAL LAWS OF 1939, RELATING TO THE RECORDER'S COURT OF THE CITY OF CHARLOTTE IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection c of Section 3 of Chapter 338, Private Laws of 1909, is hereby rewritten to read as follows:

"Sec. c. The recorder shall hold daily sessions of the court, except Sundays and legal holidays, at the City Hall in the City of Charlotte, beginning at an hour set by the recorder, but not later than 9:30 o'clock A. M. and continuing until the business of the court is disposed of. Provided, however, the Saturday sessions of said court shall be held in the discretion of the recorder. No judgment entered by the recorder shall be changed except within fifteen (15) days after entry of the same by the recorder."

Sec. 2. Subsection i of Section 3 of Chapter 338, Private Laws of 1909, is hereby amended by striking out the words "in courts of justices of the peace (except that sections one" in line 3 of said subsection, by striking out lines 4, 5 and 6 of said subsection, and by striking out so much of line 7 thereof as reads as follows, "and five shall not apply to the said recorder's court)," and by inserting in lieu thereof the following: "in the Superior Court, so far as the same may reasonably be applied in the sound judgment and discretion of the recorder (except that trial by jury shall not be afforded in said recorder's court),".

Sec. 3. Subsection i of Section 3 of Chapter 338, Private Laws of 1909, is further amended by adding at the end of said subsection the following:

"The recorder of said court shall have the same power and authority in connection with the rendering of judgments absolute or the remission or reduction of appearance bonds as that granted to Judges of the Superior Court, notwithstanding the amount of said bond, from which an appeal to the Superior Court can be taken only on matters of law or gross abuse of discretion."

Sec. 4. Subsection k of Section 3 of Chapter 338, Private Laws of 1909, is hereby amended by striking out the words "a faithful minute of all warrants or precepts issued by him and of all his judicial proceedings" immediately following the word "kept", in line 5 and immediately preceding the period, in line 6 of said subsection, and substituting in lieu thereof the following:

"by a stenographer employed and paid by the City of Charlotte, a record of the proceedings had in open court, transcribed and typewritten into books furnished by the City of Charlotte, which daily minute shall be in addition to the official records required to be kept by the clerk of said court relating to orders and judgments of the recorder and all other records pertaining to each case, provided that in addition to all other clerical and administrative duties imposed upon the clerk of said court by the general law applicable to clerks of municipal recorders' courts or by ordinances or

rules adopted by the governing body of the City of Charlotte, by whom the clerk and his assistants are appointed and to whom the clerk is accountable, it shall be the duty of said clerk, or his authorized assistant, to attend all sessions of said court, open the court for business, administer oaths, record all judgments and carry out the judicial orders of the court recorder."

Sec. 5. Section 53 of Chapter 366, Public-Local Laws of 1939, is hereby amended by striking out the period at the end of the first paragraph of said Section and inserting immediately following the word "council" the following:

"or during absence from duty caused by bona fide illness or physical disability not to exceed fifteen (15) days for any one confining illness or other physical disability, or on official business approved by the city council. The city council may appoint more than one vice-recorder and one or more assistant clerks in order to insure uninterrupted operation of the court."

Sec. 6. Subsection (1) of Section 53 of Chapter 366, Public-Local Laws of 1939 is hereby amended by changing the period to a comma, immediately following the word "court" and inserting immediately following the comma and immediately preceding the word "The", in line 12 of said subsection the following:

"including the supervision and prosecution of all bond forfeitures ordered by the recorder, after the clerk of said court has issued and has served the procedural notice set forth in the General Statutes of North Carolina. When the recorder orders a bond forfeited in said court, it shall then become the duty and the responsibility of the clerk and solicitor of said court to carry out those orders according to the General Statutes applicable thereto."

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

H. B. 742

CHAPTER 527

AN ACT PROVIDING THAT COSTS OF MEALS FURNISHED TO PRISONERS IN THE PERQUIMANS COUNTY JAIL SHALL BE INCLUDED IN THE BILL OF COSTS IN CRIMINAL CASES.

The General Assembly of North Carolina do enact:

Section 1. That the costs of meals furnished to a prisoner in the Perquimans County jail shall be included in the bill of costs and paid by the defendant upon conviction.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

H. B. 743 **CHAPTER 528**

AN ACT AMENDING G. S. 160-68 SO AS TO PROVIDE FOR SEVEN LIBRARY TRUSTEES IN THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 160-68 be and the same is hereby amended by adding at the end thereof the following:

"Provided that in the City of Concord the library board of trustees shall consist of seven members. The governing body of said city is hereby authorized to appoint immediately an additional member of said board of trustees for a term of six years."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

H. B. 748 **CHAPTER 529**

AN ACT TO AMEND CHAPTER 115 OF THE PUBLIC-LOCAL LAWS OF 1913 SO AS TO ENABLE TRIAL ON THE ORIGINAL WARRANT OF MISDEMEANOR CASES APPEALED FROM THE COUNTY CRIMINAL COURT OF SCOTLAND COUNTY TO THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. Section 8 of Chapter 115 of the Public-Local Laws of 1913 is hereby amended as follows:

(a) By deleting therefrom the following words: "and on appeal except appeals from offenses which justices of the peace now or may hereafter have jurisdiction the action shall be quashed unless the indictment shall be found by the grand jury.", immediately following the words "de novo" in line 20 of said Section and immediately preceding the words "in all cases" in line 23.

(b) By striking out the comma immediately following the words "de novo" in line 20 of said Section and substituting therefor a period.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

H. B. 764 **CHAPTER 530**

AN ACT PROVIDING FOR THE TRANSFER OF CASES FROM THE MCDOWELL COUNTY CRIMINAL COURT TO THE SUPERIOR COURT WHEN TRIAL BY JURY IS DEMANDED.

The General Assembly of North Carolina do enact:

Section 1. That the provisions of G. S. 7-394 shall not apply to the McDowell County Criminal Court.

Sec. 2. In the trial of any case in the McDowell County Criminal Court, the Court ex mero motu, or upon demand for a jury trial by either the defendant or the prosecuting attorney representing the State, the Judge of said Court shall transfer said case to the Superior Court of McDowell County for trial, and the defendant shall execute a new bond in an amount fixed by the Judge of the Criminal Court for his appearance at the next term of the Superior Court for McDowell County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

H. B. 780 **CHAPTER 531**

AN ACT TO AMEND G. S. 46-7.1 RELATING TO THE COMPENSATION OF COMMISSIONERS FOR THE PARTITION OR DIVISION OF LANDS IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 46-7.1, as the same appears in the 1957 Cumulative Supplement to Volume 2A of the General Statutes, is hereby amended by adding at the end thereof the following:

"Provided, that in Stokes County, the commissioners appointed for the partition or division of lands shall receive as compensation for services rendered the sum of ten dollars ($10.00) per day for each day devoted to the performance of their duties as such commissioners."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

S. B. 239 **CHAPTER 532**

AN ACT TO AMEND SENATE BILL NO. 8, RATIFIED THE 11TH OF MARCH, 1959, RELATING TO THE LETTING OF PUBLIC CONTRACTS FOR SCHOOL CONSTRUCTION IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 1 of Senate Bill No. 8, ratified the 11th of March, 1959, is amended by striking out in said portion the words and figures "twenty-five thousand dollars ($25,000.00)" and inserting in lieu thereof the words and figures "fifty thousand dollars ($50,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

S. B. 251 **CHAPTER 533**

AN ACT TO AUTHORIZE APPROPRIATIONS BY THE BOARD OF COMMISSIONERS OF EDGECOMBE COUNTY FOR INDUSTRIAL DEVELOPMENT AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Edgecombe County is authorized and empowered to appropriate and set apart annually a fund in such amount as said board shall in its discretion determine annually to be desirable and necessary to carry out the provisions and purposes of this Act up to and including the sum of ten thousand dollars ($10,000.00) annually.

Sec. 2. The said board is hereby authorized and empowered to appropriate annually and set apart said fund as authorized in Section 1 hereof, in its discretion, from any surplus funds and from source or sources of revenue coming into its hand other than funds derived from taxation, and to accumulate any unexpended portions thereof for future use.

Sec. 3. The said fund when made available and appropriated annually as authorized by this Act shall be used and expended by said board, in its discretion, for the purpose of obtaining or aiding and encouraging the locating in Edgecombe County of manufacturing, industrial business and commercial plants and enterprises, the agricultural development of Edgecombe County and surrounding territory, the advertising of the suitability of said county and the advantages it has to offer in connection with the foregoing and for such other purposes as will in the opinion of said board increase the population, taxable property values and the general and material welfare of said county. It is hereby found and declared that the annual setting apart and the raising and providing for the fund as herein set forth and the expenditure thereof as herein authorized for the purposes aforesaid constitutes and is for a lawful public purpose and that said expenditures are in the public interest and will promote the public welfare.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

S. B. 274 CHAPTER 534

AN ACT TO AMEND CHAPTER 160 OF THE GENERAL STATUTES, RELATING TO THE CONDEMNATION AND REMOVAL OF UNSAFE BUILDINGS IN THE CITY OF DURHAM IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 28 of G. S. 160-200, as the same appears in the 1957 Supplement to the General Statutes, is amended by adding at the end thereof the following:

"In the City of Durham in Durham County the powers granted under this subsection shall extend to buildings which are in such condition as to be a fire or safety hazard, or which are a public nuisance."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. B. 80 CHAPTER 535

AN ACT TO AMEND G. S. 113-111 SO AS TO ADD THE COUNTY OF GREENE TO THE COUNTIES IN WHICH THERE IS NO CLOSED SEASON FOR FOX HUNTING.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 113-111, as the same appears in the 1957 Supplement to Volume 3A of the General Statutes, be and the same is hereby amended by adding the word "Greene" after the word "Franklin" in the fourth line thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. B. 328 **CHAPTER 536**

AN ACT TO AMEND G. S. 113-111 SO AS TO PROVIDE THAT THERE WILL BE NO CLOSED SEASON ON FOXES IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-111 is hereby amended by striking out the period at the end of the Section, inserting a comma in lieu thereof, and adding the following: "and in Bensalem, Sheffields, Ritters, Deep River, and Carthage Townships in Moore County.".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. B. 592 **CHAPTER 537**

AN ACT TO AUTHORIZE THE TOWN OF MOORESVILLE TO SELL CERTAIN REAL ESTATE AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 71 of the Session Laws of 1957 is amended by inserting after the word "resold" and before the word "by", in line 6, the words "at private sale". Said Section is further amended by striking out the semicolon following the word "approve", in line 8, substituting a period therefor and striking out the proviso which immediately follows the same.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. B. 598 **CHAPTER 538**

AN ACT TO AMEND G. S. 135-14, RELATING TO PENSIONS OF CERTAIN TEACHERS AND STATE EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 135-14 is hereby amended by rewriting the first paragraph of said Section to read as follows:

"Any person who was a teacher or employee of North Carolina, as defined in G. S. 135-1, for a total of twenty (20) or more years, whose separation from service as a teacher or employee prior to April 1, 1956, was not due to any dishonorable cause, and who was sixty-five (65) years of age on August 1, 1959, or by reason of physical disability unable to work on that date, shall from and after July 1, 1959, be paid a benefit

of seventy dollars ($70.00) per month. To the extent that such payment is authorized on account of separation from service prior to July 1, 1941, the effective date of the Act establishing the Teachers' and State Employees' Retirement System, such payment shall be payable from funds appropriated from the general fund of the State as provided by paragraph two (2) of this Section. To the extent that such payment is authorized on account of separation from service subsequent to July 1, 1941, such payment shall be payable from the Annuity Savings Fund and the Pension Accumulation Fund. This Section shall apply only to a former teacher or employee who was a resident of North Carolina on August 1, 1959, or on the date of application for benefits pursuant to this Section."

Sec. 2. The enactment of Section one of this Act shall not be construed to cause any reduction in benefits payable to any person pursuant to the provisions of G. S. 135-14 as provided prior to July 1, 1959.

Sec. 3. G. S. 135-18.2 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. B. 608 **CHAPTER 539**

AN ACT TO AMEND G. S. 153-9 RELATING TO FIRE PROTECTION IN LENOIR COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Numbered paragraph 39 of G. S. 153-9 is hereby amended by adding at the end thereof the following new sentence: "Provided that in order to provide fire protection to rural sections of Lenoir County, the Board of Commissioners of Lenoir County is hereby authorized to appropriate, out of the general funds of said county to the Volunteer Fire Department of the Town of Deep Run, and to the Fire Departments of the Towns of Pink Hill and La Grange, the sum of one hundred dollars ($100.00) per month each, retroactive to December 1, 1958, conditioned however upon the Volunteer Fire Department of the Town of Deep Run and the Fire Departments of the Towns of Pink Hill and La Grange undertaking to answer calls from and extend their several services to all rural parts of Lenoir County."

Sec. 2. This Act shall apply only to Lenoir County and shall become invalid after November 30, 1963.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. B. 656 **CHAPTER 540**

AN ACT TO AUTHORIZE THE REGISTER OF DEEDS OF WASHINGTON COUNTY TO INSTALL IN THE REGISTER OF DEEDS' OFFICE A RECORD BOOK, OR BOOKBINDER, TO BE DESIGNATED OR LABELED "MISCELLANEOUS", TO BE USED FOR CONDITIONAL SALES CONTRACTS, MORTGAGES, CROP LIENS, DEEDS OF TRUST AND SIMILAR INSTRUMENTS AND TO VALIDATE THE PREVIOUS USE OF SUCH A BOOK OR RECORD.

The General Assembly of North Carolina do enact:

Section 1. That the Register of Deeds of Washington County is hereby authorized and empowered to install, keep and maintain in his office a bookbinder or record book, to be designated, or labeled, "Miscellaneous", the same to be used for the purpose of recording photostatic copies of deeds of trust, sales contracts, conditional sales contracts, chattel mortgages, crop liens and other similar instruments, said record to also be used for the permanent filing of copies of the original instruments above set forth which may be furnished by persons, firms and corporations using small print forms. That the instruments above described and designated shall be glued into or fastened by some appropriate method in said book or record, and the same shall constitute an official and lawful record of said office.

Sec. 2. That any book or record as described in Section 1 of this Act and which has heretofore been used in said office, the same being designated or labeled as "Miscellaneous", is hereby declared to be a good, lawful and valid record, and all instruments contained in said book are hereby declared to be lawful and official records of said office, and the prior use of same is hereby declared to be validated and lawful.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. B. 675 **CHAPTER 541**

AN ACT TO AMEND SECTION 4 OF CHAPTER 456 OF THE SESSION LAWS OF 1947 RELATING TO INVESTMENTS OF PENSION FUNDS BY THE BOARD OF TRUSTEES OF THE PENSION FUND OF THE CITY OF FAYETTEVILLE, IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 456 of the Session Laws of 1947 is amended by adding at the end thereof the following:

"Provided, however, said Board of Trustees of the Pension Fund of the City of Fayetteville, North Carolina, may invest any or all of the funds

derived from the provisions of this Act under the same conditions and in the same investments as authorized to municipalities by G. S. 160-411.5, 1957 Supplement to the General Statutes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. B. 676 CHAPTER 542

AN ACT TO REPEAL SECTION 1 OF ARTICLE 11 OF CHAPTER 28 OF THE PRIVATE LAWS OF 1925 RELATING TO THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SO AS TO PLACE SAID CITY UNDER THE GENERAL STATUTES OF NORTH CAROLINA WITH RESPECT TO CONTRACTS ON WHICH ADVERTISEMENTS AND BIDS ARE REQUIRED.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Article 11 of Chapter 28 of the Private Laws of 1925 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. B. 677 CHAPTER 543

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY AND THE CUMBERLAND COUNTY BOARD OF EDUCATION TO OFFER AND PAY REWARDS NOT TO EXCEED $1,000.00.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Cumberland County is hereby authorized and empowered to offer and pay from the general fund rewards not to exceed one thousand dollars ($1,000.00) for the apprehension and conviction of felons.

Sec. 2. The Cumberland County Board of Education is hereby authorized and empowered to offer and pay from the current expense or Capital Outlay Budget, rewards not to exceed one thousand dollars ($1,000.00) for the apprehension and conviction of any person destroying or damaging school property.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. B. 687 **CHAPTER 544**

AN ACT TO PERMIT RED FOXES AND BOBCATS TO BE TAKEN IN SAMPSON COUNTY AT ANY TIME.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-111, relating to open season on foxes in certain counties, is hereby amended by adding at the end thereof the following:

"Provided, that it shall be lawful to hunt, take or kill red foxes and bobcats at any time by any lawful method in Sampson County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. B. 701 **CHAPTER 545**

AN ACT TO AUTHORIZE THE HUNTING AND TAKING OF FOXES IN CERTAIN PORTIONS OF CURRITUCK COUNTY AT ANY TIME DURING THE YEAR.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provisions of law, it shall be lawful to hunt and take foxes with gun or dog, at any time during the year in Fruitville Township in Currituck County and in all of such part of the remainder of Currituck County as is situated or lies South of the Intercoastal Waterway, also known as the Inland Waterway.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. B. 704 **CHAPTER 546**

AN ACT TO CREATE A LAW ENFORCEMENT OFFICERS RELIEF FUND FOR THE PEACE OFFICERS ASSOCIATION OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known and may be cited as "The Cumberland County Peace Officers Relief Act".

Sec. 2. Law enforcement officers shall be deemed to include all salaried full-time officers in Cumberland County who are required by the terms of their office to give full time to the preservation of public order, the protection of life and property, and the detection of crime, and all special officers or citizens who may be killed or injured while aiding or assisting

regular peace officers or while acting as such officers, and members of the State Highway Patrol stationed in Cumberland County.

Sec. 3. The Cumberland County Peace Officers Association is hereby created, and the membership of the Association includes all eligible law enforcement officers who meet the requirements of this Section.

Peace officers declared eligible, under Section 2 of this Act, by the Executive Board and who are entitled to membership in the Association shall make application on blanks to be furnished for that purpose, giving such information as may be required by said Association, and shall pay an initiation fee and annual dues to be fixed by the Executive Board: However, such initiation fee shall not exceed five dollars ($5.00) and such dues shall not exceed twelve dollars ($12.00) per annum, which shall be paid into the Relief Fund hereinafter referred to.

Sec. 4. The officers of the Cumberland County Peace Officers Relief Association shall be governed by an Executive Board consisting of the following members: The Chairman of the County Board of Commissioners of Cumberland County, the Mayor, City of Fayetteville, the Sheriff of Cumberland County, the Chief of Police of Fayetteville, North Carolina, the officer in charge of the State Highway Patrol of Cumberland County, the Chief ABC Board Law Enforcement Cumberland County, and the Chief of Police of the following towns of Cumberland County: Spring Lake, Hope Mills.

At its first meeting, the said Board shall organize and elect a Chairman. The Board shall meet in January of each year thereafter and elect a Chairman, and such other meetings as may be necessary shall be held on the call of the Chairman or any two members. A majority of the Executive Board shall constitute a quorum for the transaction of business. The Board shall have authority to make such rules, regulations, and provisions as may be necessary to the proper administration of this Act.

Sec. 5. In all criminal cases in Cumberland County, North Carolina, brought in all courts wherein defendant enters a plea of guilty or a plea of nolo contendere, or shall be adjudged guilty by the court or found guilty by a jury, wherein the costs of the action are paid by the defendant, there shall be taxed in the bill of costs a fee of one dollar ($1.00) to be known as the Cumberland County Peace Officers Relief Fund, and shall be collected as other costs in the criminal cases are collected by the justice of the peace, clerk or other officer of the court authorized to receive costs: Provided, however, that such Officers Relief Fund shall not be taxed in the costs in cases where the costs are paid by the county or in cases instituted under Article 40, Chapter 14 of the General Statutes relating to protection of the family.

Such funds shall be turned over to the County Treasurer of Cumberland County not later than the tenth day of each month, with a fully itemized report of the cases in which collected. Any justice of the peace, clerk or officer of the court who wilfully fails to make such report within such time or knowingly and wilfully fails to report any item taxed or collected, whether or not the same shall be legally taxable or collectible, shall be guilty of a misdemeanor and shall be fined or imprisoned or both within the discretion of the court.

Donations and contributions to the Cumberland County Peace Officers Relief Fund may be received from any source approved by the Executive Board.

Sec. 6. The money paid into the Cumberland County Peace Officers Relief Fund of Cumberland County shall be used for the relief of any member of the Association who may be injured or rendered sick by disease contracted in the actual discharge of his duty as a law enforcement officer, and for the relief of his widow, dependent children, or dependent parents, in the event of his death in the actual discharge of his duty.

Every person entitled to benefits under this Section shall make application to the Executive Board and the Executive Board, after requiring a thorough medical examination or carefully reviewing the medical findings of a competent physician or physicians, and after carefully investigating each such application, shall determine what benefits, if any, shall be paid; provided, that not more than five hundred dollars ($500.00) shall be paid to any law enforcement officer or his dependents in any twelve (12) months period, and that no action at law or suit in equity shall be maintained against the Association to enforce any claim or recover any benefit; provided, further, that benefits shall not be denied to a person entitled to membership in the Association unless he shall have thirty (30) days from the time of his appointment, election, summons, or deputization in which to apply for membership.

Sec. 7. The County Treasurer of Cumberland County shall be the treasurer of the fund. He shall give good and sufficient bond and the cost of the bond shall be paid from the funds of the Association.

Funds in the Relief Fund may be invested by the Executive Board in bonds of Cumberland County, the State of North Carolina, and the United States Government, or deposited in any bank, or building and loan or savings and loan association, insured by the Federal Deposit Insurance Corporation, respectively, to the extent of the insurance coverage with respect to a deposit in any such bank or association.

Expenditures shall only be made upon vouchers properly signed by the Chairman of the Executive Board and the Treasurer.

Sec. 8. Members of the Executive Board shall serve without compensation. Reasonable office and stationery supplies and medical advisory fees may be paid for out of the funds of the Association.

Sec. 9. The Executive Board shall have authority to insure the members of the Cumberland County Peace Officers Relief Fund against death or disability, or both, during the term of their employment, under forms of insurance known as group or other insurance, and the premiums on such insurance shall be payable out of the funds of the Association.

Sec. 10. The purpose of this Act is to provide certain death, disability and illness benefits for law enforcement officers in Cumberland County.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed, and if any Section hereof be held by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of this Act as a whole or any other part thereof, other than the part decided to be unconstitutional or invalid.

Sec. 12. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. B. 739 **CHAPTER 547**

AN ACT TO VALIDATE CERTAIN ACTS OF THE TOWN COMMISSIONERS OF THE TOWN OF LEWISTON IN BERTIE COUNTY RELATING TO THE PAVING OF STREETS IN THE TOWN OF LEWISTON DURING THE YEAR 1957.

The General Assembly of North Carolina do enact:

Section 1. All the acts of the Town Commissioners of the Town of Lewiston relating to the paving of streets within the Town of Lewiston during the year 1957 are hereby in all respects ratified, confirmed, and validated.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

S. B. 300 **CHAPTER 548**

AN ACT TO AMEND G. S. 47-17.1 RELATING TO THE DESIGNATION OF DRAFTSMEN ON DOCUMENTS ACCEPTED FOR PROBATE OR RECORDATION SO AS TO INCLUDE NEW HANOVER COUNTY WITHIN THE PROVISIONS OF THE STATUTE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-17.1, as the same appears in the 1957 Cumulative Supplement to Volume 2A of the General Statutes, is hereby amended by inserting immediately following the comma after the word "Mecklenburg" and immediately preceding the word "Perquimans" in line fifteen of said Section the words "New Hanover,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1959.

H. B. 468 **CHAPTER 549**

AN ACT TO AMEND CHAPTER 14 OF THE GENERAL STATUTES RELATING TO THE POSSESSION OF EXPLOSIVES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 14 of the General Statutes is amended by adding a new Section immediately following G. S. 14-283, to be designated as G. S. 14-283.1, and to read as follows:

"§ 14-283.1 (a) As used in this Section the word 'explosives' means gun powder, powder for blasting, high explosives, blasting materials, detonators and other detonating agents, and any chemical compound or any mechanical mixture containing any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may and is intended to cause an explosion, but shall not include fixed ammunition or smokeless powder for small arms, matches, sparklers, or explosives or caps designed to be fired in toy cap pistols, or black powder provided not more than two pounds of black powder is in the possession of any person at any one time.

"(b) No person, firm, or corporation shall possess explosives in this State unless a permit therefor shall have been first obtained pursuant to the provisions of this Section, and whenever any person is transporting, using or handling explosives in any way, he shall have such permit on his person.

"(c) Application for a permit to possess explosives shall be made to the sheriff or deputy sheriff of the county where the applicant resides. The application shall contain the following information:

"1. The name and address of the applicant.

2. The reason for desiring the permit to possess explosives.

3. The citizenship of the applicant.

4. Evidence that applicant bears a good reputation.

5. A statement indicating whether or not the applicant has ever been convicted of a crime involving moral turpitude and details thereof.

"(d) If the sheriff or deputy sheriff shall satisfy himself, by affidavit, oral evidence or otherwise, that the statements made in the application are true, that the applicant is of good moral character, and that the possession of the explosives is for a lawful purpose, he shall issue a permit to possess the explosives, but if he shall not be so satisfied, he shall refuse to issue such permit. No charge shall be made to the applicant for issuing the permit. Any person denied a permit by the sheriff, or deputy sheriff, may have the matter considered by the Clerk of the Superior Court of that county, who shall have the right to issue a permit if he is satisfied that the conditions set out above have been met, and the clerk shall give the sheriff notice of any action taken.

"(e) The permit shall be in the following form; to wit:

NORTH CAROLINA

..... COUNTY

I, ..., Sheriff (or Deputy Sheriff) of said county do hereby certify that ..... whose place of residence is ..... Township, in said county, having this day satisfied me as to good moral character, that the statements made in the application are true, and that the possession of the explosives is for a lawful purpose, a permit is hereby issued to possess explosives to be used for a lawful purpose, to wit:

.....

This ..... day of ....., 19.....

.....

Sheriff (Deputy Sheriff)

"(f) If any person shall violate the provisions of this Section, he shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court.

"(g) The board of county commissioners of any county may, in its discretion, direct that application for such permits be made to the Clerk of the Superior Court of the county or to the assistant or deputy clerk and that issuance of the permits shall be by the clerk or assistant or deputy clerk, instead of by the sheriff as herein provided.

"(h) The provisions of this Act shall not apply to any licensed contractor using explosives in his business, nor to any retail or wholesale dealer or merchant possessing explosives for resale, nor to any governmental unit or agency."

Sec. 2. The provisions of this Act shall apply to Franklin, Granville, Vance, and Warren Counties only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1959.

H. B. 645 CHAPTER 550

AN ACT REWRITING SECTION 4, CHAPTER 403, PUBLIC LAWS OF 1891, SO AS TO PROVIDE FOR THE ELECTION AND TERM OF OFFICE OF THE MEMBERS OF THE SHELBY CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That Section 4 of Chapter 403, Public Laws of 1891, as rewritten by Chapter 155, Private Laws of 1913, be and the same is hereby again rewritten to read as follows:

"Sec. 4. That the Shelby City Board of Education shall be composed of five members, one for and from each of the four wards of the City of Shelby and one from the administrative unit at large, and members of said Board of Education shall be elected at the same time and in the same manner as the Mayor and Board of Aldermen of the City of Shelby are elected and shall qualify on the first day of July following their election and shall hold office for a term of four years and until their successors shall be duly elected and qualified: Provided that at the municipal election to be held in May, 1961, the three candidates for membership on said Board of Education receiving the highest number of votes shall be elected for terms of four years each and the two members elected and receiving the next highest number of votes shall each be elected for terms of two years each. In case of a tie between two candidates, the result shall be

determined by lot. The successors to each member elected shall serve for terms of four years each. In case of a vacancy in the membership of said board caused by death, resignation or any other cause, the remaining members of said board shall fill the vacancy for the remainder of the unexpired term or until the next municipal election by the appointment of a member residing in the ward of the person causing the vacancy or if the person causing the vacancy represented the administrative unit at large, such vacancy shall be filled in like manner without regard to the residence of the appointee within the city administrative unit."

Sec. 2. That the terms of office of the members of the Shelby City Board of Education elected in 1959 shall expire on July 1, 1961.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 19th day of May, 1959.

H. B. 668 CHAPTER 551

AN ACT AUTHORIZING THE HENDERSONVILLE CITY BOARD OF EDUCATION TO APPOINT AN ADVISORY COMMITTEE FOR ANY SCHOOL WITHIN THE HENDERSONVILLE CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. That the Hendersonville City Board of Education is hereby authorized in its discretion to appoint an advisory committee of not more than six members for any school within the Hendersonville City Administrative Unit, for such term as said Board of Education may designate. Such advisory committee shall perform such duties on such terms and conditions and in such a manner as may be assigned to it by appropriate resolution of the Hendersonville City Board of Education. Each such advisory committee shall elect from its number a chairman and a secretary, who shall keep a record of its proceedings in a book to be kept for that purpose, which shall be open to public inspection. The names and addresses of the chairman and the secretary shall be reported to the city superintendent and recorded by him. The committee shall meet as often as the school business may require.

Sec. 2. This Act shall apply to the Hendersonville City Administrative School Unit only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1959.

H. B. 745 **CHAPTER 552**

AN ACT TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF CAMDEN COUNTY TO SELL CERTAIN REAL PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-126, as the same appears in the 1957 Supplement to the General Statutes is amended by adding at the end thereof the following:

"The County Board of Education of Camden County is authorized, in its discretion, to sell at private sale the South Mills School property and the Rosenwald School property located in said county on such terms as it may deem reasonable and appropriate, when and if such school properties shall be declared no longer necessary for school purposes by said board."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1959.

H. B. 761 **CHAPTER 553**

AN ACT AMENDING G. S. 143-135 RELATING TO THE LETTING OF CONTRACTS BY THE MCDOWELL COUNTY BOARD OF EDUCATION AND THE MARION CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 143-135 be and the same is hereby amended by adding at the end thereof the following:

"The provisions of this Article shall not apply to the McDowell County Board of Education or to the Marion City Board of Education in the expenditure of public funds when the total costs of any repairs, completed project, building or structure shall not exceed the sum of thirty thousand dollars ($30,000.00), if the repairs, completed project, building or structure are performed or accomplished by or through duly elected officers or agents of the Board of Education involved."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1959.

H. B. 797 **CHAPTER 554**

AN ACT TO AMEND HOUSE BILL NO. 217, RATIFIED THE 24TH DAY OF MARCH, 1959, ENTITLED "AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARDS OF EDUCATION OF THE RESPECTIVE COUNTIES OF NORTH CAROLINA AND TO FIX THEIR TERMS OF OFFICE".

The General Assembly of North Carolina do enact:

Section 1. House Bill No. 217, ratified the 24th day of March, 1959, is hereby amended by striking out the names of the persons appearing as members of the Yadkin County Board of Education immediately following the word "Yadkin", in Section 1 of the ratified bill, and substituting in lieu thereof the following names:

"Lindberg W. Swaim, for a term of six years; Harold Steelman, A. V. Shore, each for a term of four years; H. A. Taylor, G. C. Wallace, each for a term of two years".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1959.

S. B. 23 **CHAPTER 555**

AN ACT RELATIVE TO MAKING A FALSE REPORT CONCERNING DESTRUCTIVE DEVICE AND/OR PERPETRATING HOAX BY USE OF FALSE BOMB OR OTHER DEVICE, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 14 of the General Statutes, entitled "Criminal Law", is hereby amended by inserting in Article 15 thereof two new Sections to be numbered G. S. 14-69.1 and G. S. 14-69.2 and to read as follows:

"§ 14-69.1. Making a False Report Concerning Destructive Device. If any person shall, by any means of communication to any person or group of persons, make a report, knowing or having reason to know the same to be false, that there is located in any building, house or other structure whatsoever or any vehicle, aircraft, vessel or boat any device designed to destroy or damage the building, house or structure or vehicle, aircraft, vessel or boat by explosion, blasting or burning, he shall be guilty of a misdemeanor, and shall, upon conviction, be fined or imprisoned or both in the discretion of the court.

"§ 14-69.2. Perpetrating Hoax by Use of False Bomb or Other Device. If any person, with intent to perpetrate a hoax, shall secrete, place or display any device, machine, instrument or artifact, so as to cause any person reasonably to believe the same to be a bomb or other device capable

of causing injury to persons or property, he shall be guilty of a misdemeanor, and shall, upon conviction, be fined or imprisoned or both in the discretion of the court."

Sec. 2. G. S. 14-273 is hereby amended by striking out the words "and shall be fined not exceeding fifty dollars ($50.00) or imprisoned not more than thirty (30) days". in lines seven and eight thereof and substituting therefor the words "and shall, upon conviction be fined or imprisoned or both in the discretion of the court.".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1959.

H. B. 757 CHAPTER 556

AN ACT TO AMEND HOUSE BILL NO. 467 RATIFIED APRIL 28, 1959, RELATING TO THE REORGANIZATION OF THE MECKLENBURG COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Subsection (1) of Section 22 of House Bill No. 467, ratified April 28, 1959, is hereby deleted and the following paragraph is inserted in lieu thereof:

"(1) An election is called and held in Mecklenburg County on a county-wide basis prior to January 1, 1960, on the question of providing a supplemental school tax at a rate to be determined by joint action of the Mecklenburg County Board of Education and the Charlotte City Board of Education not to exceed sixty cents (60¢) on the one hundred dollar ($100.00) valuation."

Sec. 2. House Bill No. 467, ratified April 28, 1959, is further amended by adding at the end of Section 22 thereof the following:

"Provided that in any county-wide supplemental school tax election in Mecklenburg County the rate to be voted on may be such as the Mecklenburg County Board of Education and the Charlotte City Board of Education fix and determine by joint action, not to exceed sixty cents (60¢) on the one hundred dollar ($100.00) valuation of property, real and personal; and in the event the rate so fixed is approved in said election, the Board of County Commissioners of Mecklenburg County shall have the authority to levy and collect a tax not exceeding the amount so authorized beginning with the fiscal year commencing July 1, 1960."

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1959.

H. B. 16 CHAPTER 557

AN ACT AMENDING G. S. 136-18 SO AS TO AUTHORIZE AND REQUIRE THE STATE HIGHWAY COMMISSION TO REPAIR AND MAINTAIN WAYS TO PUBLIC CEMETERIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 136-18 is hereby amended by adding at the end thereof an additional subsection to be given an appropriate designation and to read as follows:

"The State Highway Commission is hereby authorized to maintain and keep in repair a suitable way of ingress and egress to all public or church cemeteries or burial grounds in the State notwithstanding the fact that said road is not a part of the State maintained system of roads. For the purpose of this paragraph a public or church cemetery or burial ground shall be defined as a cemetery or burial ground in which there are buried or permitted to be buried deceased persons of the community in which said cemetery or burial ground is located, but shall not mean a privately owned cemetery operated for profit or family burial plots."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of May, 1959.

H. B. 392 CHAPTER 558

AN ACT TO AUTHORIZE THE EXPENDITURE OF SURPLUS OPERATING FUNDS OF CALDWELL COUNTY FOR THE PURPOSE OF CONSTRUCTING, EQUIPPING AND PURCHASING NECESSARY COUNTY BUILDINGS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Caldwell County is hereby authorized to set up a County Building Fund and to transfer to said fund any portion of the surplus of the current operating funds of the county not needed to finance appropriations for the fiscal year ending June 30, 1959, which may be on hand on July 1, 1959. Provided, that no portion of the surplus of the School Current Expense Fund or the School Capital Outlay Fund may be so transferred.

Sec. 2. The surplus funds transferred by the board of county commissioners to the County Building Fund shall be used for the purpose of building or purchasing a county office building or buildings, for the building of an annex or annexes to existing county buildings, for building a county jail, for the purchasing of necessary land for said buildings and for the equipping of new office buildings. The surplus funds so transferred shall be used only for the acquirement of the necessary capital facilities enumerated herein and for no other purposes.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1959.

H. B. 567 CHAPTER 559

AN ACT TO AMEND G. S. 20-116, SUBSECTION (d) RELATING TO THE LENGTH OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (d) of G. S. 20-116, as the same appears in Volume 1C of the General Statutes, is hereby amended by inserting immediately following the word "vehicle" and immediately preceding the word "shall", in line one of said subsection, the following:

", except where used in combination with another vehicle,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1959.

H. B. 652 CHAPTER 560

AN ACT TO MAKE IT UNLAWFUL TO PLACE LIGHTS OR LIGHTING DEVICES ALONG HIGHWAYS SO AS TO BLIND, HAMPER, MISLEAD OR DISTRACT THE ATTENTION OF OPERATORS OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Article 2 of Chapter 136 of the General Statutes is hereby amended by adding thereto a new Section to be numbered G. S. 136-32.2 and to read as follows:

"§ 136-32.2. Placing Blinding, Deceptive or Distracting Lights Unlawful. (a) If any person, firm or corporation shall place or cause to be placed any lights, which are flashing, moving, rotating, intermittent or steady spotlights, in such a manner and place and of such intensity:

(1) Which, by the use of flashing or blinding lights, blinds, tends to blind and effectively hampers the vision of the operator of any motor vehicle passing on a public highway; or

(2) Which involves red, green or amber lights or reflectorized material and which resembles traffic signal lights or traffic control signs; or

(3) Which, by the use of lights, reasonably causes the operator of any motor vehicle passing upon a public highway to mistakenly believe that there is approaching or situated in his lane of travel some other motor vehicle or obstacle, device or barricade, which would impede his traveling in such lane;

shall be guilty of a misdemeanor and shall upon conviction be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days or both.

"(b) Each ten (10) days during which a violation of the provisions of this Section is continued after conviction therefor shall be deemed a separate offense.

"(c) The provisions of this Section shall not apply to any lights or lighting devices erected or maintained by the State Highway Commission or other properly constituted State or local authorities and intended to effect or implement traffic control and safety. Nothing contained in this Section shall be deemed to prohibit the otherwise reasonable use of lights or lighting devices for advertising or other lawful purpose when the same do not fall within the provisions of subdivisions (1) through (3) of subsection (a) of this Section.

"(d) The enforcement of this Section shall be the specific responsibility and duty of the Department of Motor Vehicles by and through the State Highway Patrol in addition to all other law enforcement agencies and officers within this State; provided, however, no warrant shall issue charging a violation of this Section unless the violation has continued for ten (10) days after notice of the same has been given to the person, firm or corporation maintaining or owning such device or devices alleged to be in violation of this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after October 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of May, 1959.

H. B. 696 CHAPTER 561

AN ACT TO AMEND G. S. 48-21 RELATING TO THE VALIDITY OF ADOPTION PROCEEDINGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 48-21(a) is hereby amended by adding at the end thereof a new sentence to read as follows:

"Provided, however, that no adoption proceedings completed prior to April 1, 1959 shall be invalid because of the entry of the final order earlier than one year from the date of the interlocutory decree."

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1959.

H. B. 726 **CHAPTER 562**

AN ACT REPEALING SECTION 2 OF CHAPTER 194, SESSION LAWS OF 1951, AS AMENDED, SO AS TO PLACE THE DEPUTIES SHERIFF OF CHEROKEE COUNTY ON A FEE BASIS.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 194, Session Laws of 1951, as amended by Section 2 of Chapter 760, Session Laws of 1953, be and the same is hereby repealed. The purpose of this Act is to place the Deputies Sheriff of Cherokee County on a fee basis rather than on a salary basis.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1959.

H. B. 737 **CHAPTER 563**

AN ACT AUTHORIZING AN ELECTION IN LEE COUNTY UPON THE QUESTION OF DISTRICTING THE COUNTY FOR THE NOMINATION OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Lee County is authorized and empowered, at the time of the general election in 1960 or at the time of any other election conducted in Lee County prior to said date, to order an election to be held to determine whether said county shall be divided into five districts for the purpose of nominating members of the Board of Commissioners of Lee County. In the event said special election is called by the Board of Commissioners of Lee County, the same shall be held and conducted by the Lee County Board of Elections on the date fixed by said board of county commissioners. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition "For Nominating Commissioners by Districts" and "Against Nominating Commissioners by Districts". Those favoring nominating members of the county commissioners by districts shall mark in the voting square to the left of the words "For Nominating Commissioners by Districts", printed on the ballot, and those opposed to nominating members of the county commissioners by districts shall mark in the voting square to the left of the words "Against Nominating Commissioners by Districts", printed on the ballot. Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to the general elections of Lee County and no new registration of voters for such election shall be necessary. The cost of said election shall be paid from the General Fund of Lee County.

Sec. 2. In the event a majority of the votes cast by the qualified voters of Lee County at said election shall be for nominating commissioners

by districts, then for the purpose of nominating members of the County Board of Commissioners of Lee County, the county shall be divided into five (5) districts designated as follows:

(a) District No. 1 shall be composed of Cape Fear and Deep River Townships.

(b) District No. 2 shall be composed of East Sanford Township.

(c) District No. 3 shall be composed of West Sanford Township.

(d) District No. 4 shall be composed of Jonesboro Township.

(e) District No. 5 shall be composed of Greenwood and Pocket Townships.

Sec. 3. In the event said special election shall be held in Lee County prior to the time of the primary election in 1960, and in the event a majority of the votes cast by the qualified voters of Lee County at said election shall be for nominating commissioners by districts, then and in that event, in the primary election to be held in Lee County in 1960 and quadrennially thereafter there shall be nominated by each political party one candidate for membership on the board of commissioners of said county from districts 1 and 2 as above designated; in the primary election to be held in Lee County in 1962 and quadrennially thereafter there shall be nominated by each political party one candidate for membership on the board of commissioners from districts 3, 4 and 5 as above designated; the primary election shall be conducted under the same rules and regulations as are now provided by laws for the nomination of other county officers of Lee County. The candidate from each of the political parties shall be voted on by the electors of Lee County voting as a whole, and the candidate from each of said districts receiving the highest number of votes shall be declared the nominee of his party for said office.

Sec. 4. In the event said special election shall be held in Lee County at the time of the general election in 1960 and in the event that a majority of the votes cast by the qualified voters of Lee County at said special election shall be for nominating commissioners by districts, then and in that event, in the primary election to be held in Lee County in 1962, and quadrennially thereafter, there shall be nominated by each political party one candidate for membership on the board of commissioners for said county from the districts 3, 4, and 5 as above designated; in the primary election to be held in Lee County in 1964 and quadrennially thereafter, there shall be nominated by each political party one candidate for membership on the board of commissioners from districts 1 and 2 as above designated; the primary election shall be conducted under the same rules and regulations as are now provided by law for the nomination of other county officials of Lee County; the candidate from each of the political parties shall be voted on by the electors of Lee County voting as a whole, and the candidate from each of said districts receiving the highest number of votes shall be declared the nominee of his party for said office.

Sec. 5. The provisions of this Act apply only to Lee County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1959.

H. B. 738 CHAPTER 564

AN ACT RELATING TO THE TERMS OF OFFICE OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. If there be called and held an election in Lee County prior to or on the date of the general election in 1960 on the question of nominating candidates for the office of county commissioners by districts, there shall be called and held on the same date an election on the question of whether the terms of office of members of the board of county commissioners shall be for two years. At said election there shall be submitted to the voters a ballot on which shall be printed the words "For two-year terms of office of County Commissioners", and the words "Against two-year terms of office of County Commissioners" with appropriate squares printed to the left of each proposition upon which the voter shall indicate his choice. If at said election a majority of the votes cast are in favor of two-year terms of office of county commissioners, then, and in such event, the successors of the members whose terms of office expire in 1960 shall serve for terms of two years each and until their successors are elected and qualified. Thereafter, as the terms of office of the several members expire, their successors shall be elected and shall serve for terms of two years each and until their successors are elected and qualified.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1959.

H. B. 806 CHAPTER 565

AN ACT TO PROHIBIT THE SALE OF WINE, BEER AND INTOXICATING BEVERAGES WITHIN TWO MILES OF GOODWILL MISSIONARY BAPTIST CHURCH, BELEWS CREEK TOWNSHIP, IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm or corporation to offer for sale or sell any wine, beer, ale, intoxicating beverages or liquors within the area defined as a radius of two miles in any direction from the point where Goodwill Missionary Baptist Church in Belews Creek Township, Forsyth County, is located, excluding, however, such portion of said area which lies within the boundary lines of Guilford County.

Sec. 2. Any person violating this Act shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

Sec. 3. This Act shall apply only to the locality in Forsyth County as defined in Section one of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1959.

H. B. 895 CHAPTER 566

AN ACT TO AUTHORIZE THE SHERIFF OF SWAIN COUNTY AND THE SHERIFF OF JACKSON COUNTY TO APPOINT SPECIAL DEPUTIES FOR LAW ENFORCEMENT ON THOSE PORTIONS OF THE CHEROKEE INDIAN RESERVATION LOCATED WITHIN SAID COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Jackson County, with the approval of the Sheriff of Swain County, is authorized to appoint not to exceed three deputy sheriffs, who shall be clothed with the power of arrest and shall have the power to execute civil and criminal process in all that territory comprising the Cherokee Indian Reservation which is located within the boundaries of Jackson and Swain Counties.

The Sheriff of Swain County, with the approval of the Sheriff of Jackson County, is authorized to appoint not to exceed three deputy sheriffs, who shall be clothed with the power of arrest and shall have the power to execute civil and criminal process in all that territory comprising the Cherokee Indian Reservation which is located within the boundaries of Swain and Jackson Counties.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1959.

S. B. 242 CHAPTER 567

AN ACT TO AMEND G. S. 7-127 RELATING TO THE TRIAL OF CRIMINAL CASES BY JUSTICES OF THE PEACE IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-127, as the same appears in Volume 1B of the General Statutes, is hereby amended by adding at the end thereof the following:

"Provided that in Harnett County a justice of the peace shall only have the authority and jurisdiction to try criminal cases arising in the township for which he was elected or appointed, except as herein provided. The defendant shall be tried before the justice of the peace of the township in which the crime was committed, and if there is no such justice of the peace in said township, then the defendant shall be tried before a justice of the peace of an adjoining township."

Sec. 2. This Act shall be applicable only to Harnett County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

S. B. 313 CHAPTER 568

AN ACT REPEALING CHAPTER 884, SESSION LAWS OF 1955, WHICH CREATED A WILDLIFE REFUGE AT THE LUMBERTON STEAM ELECTRIC PLANT COOLING POND.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 884, Session Laws of 1955, which created a wildlife refuge at the Lumberton Steam Electric Plant Cooling Pond, be and the same is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

S. B. 325 CHAPTER 569

AN ACT TO AMEND CHAPTER 669 OF THE SESSION LAWS OF 1943, RELATING TO THE RETIREMENT SYSTEM OF THE EMPLOYEES OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 669 of the Session Laws of 1943 is amended by adding a new subsection, immediately following subsection (d), to be numbered subsection (e), and to read as follows:

"(e) It is not the intention or purpose of this Act to eliminate the estate of retired employee, drawing pension, from being refunded all such sums as he himself has paid in less the amounts paid out under this Act, if any such difference exists at the time of severance by death."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

S. B. 327 **CHAPTER 570**

AN ACT TO AMEND G. S. 113-111 TO PROVIDE FOR AN OPEN SEASON ON FOXES IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-111, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting following the word "Davie," at the end of line 3 and preceding the word "Franklin" at the beginning of line 4 the word "Forsyth,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 262 **CHAPTER 571**

AN ACT TO AMEND G. S. 20-88(c) TO PROVIDE FOR LICENSING OF FARM TRAILERS AT ONE-HALF THE LICENSING RATE APPLICABLE TO TRAILERS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (c) of G. S. 20-88, as the same appears in the 1957 Cumulative Supplement to Volume 1C of the General Statutes, is hereby amended by striking all of that part of said Section which follows the colon in line 8 to the period in line 23, and insert in lieu thereof the following:

"Provided, further, that in addition to the motor vehicle licenses authorized to be issued pursuant to the provisions of this Chapter, the Department shall issue, upon application therefor, a 'farmer' license plate marked 'farm truck' for trucks and a license plate marked 'farm trailer' for trailers, licensed for not more than twelve thousand (12,000) pounds which shall be issued upon evidence satisfactory to the Department that the applicant is a farmer and is actually engaged in the growing, raising and producing of farm products as an occupation. License plates issued under authority of this Section shall be placed upon motor trucks and trailers, licensed for not more than twelve thousand (12,000) pounds, respectively, which are engaged exclusively in the carrying or transportation of applicant's farm products, raised or produced on his farm, and farm supplies, and not engaged in hauling for hire: Provided, further, that the Department shall issue necessary rules and regulations providing for the recall, transfer, exchange or cancellation of 'farm truck' and 'farm trailer' license plates issued hereunder when vehicles bearing such license plates shall be sold or transferred. Applicants for 'farmer' license plates herein authorized shall pay therefor at a rate equal to one-half the present registration fee provided for trucks and trailers by this Chapter; provided that the minimum rate for any vehicle licensed under this proviso shall be ten dollars ($10.00); provided further, that the provisions of this Act shall not apply to the

licensing of a semi-trailer with a maximum weight of twenty-five hundred (2500) pounds or less."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect with respect to licensing years beginning on and after January 1, 1960.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 417 CHAPTER 572

AN ACT EXTENDING THE CORPORATE LIMITS OF THE CITY OF HIGH POINT AND AMENDING THE CHARTER OF SAID CITY WITH REFERENCE TO THE CORPORATE LIMITS OF SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the City of High Point, a municipal corporation in the County of Guilford, are hereby extended so as to include therein all of the area and territory within the following boundary lines not heretofore a part of the city, which lines shall be the corporate limits of the City of High Point, provided, however, that nothing in this Act shall be construed as modifying or repealing any of the provisions of any other Act relating to the City of High Point adopted at this Session of the General Assembly, said boundary lines being as follows:

Beginning at a point in the East line of Davidson County and the West line of Guilford County, said point being in a southerly direction 1600 feet, more or less, from the corner of Forsyth and Davidson Counties in the Guilford County line; said point being the southwest corner of the property of J. E. Welborn and the northwest corner of the property of D. S. Hedgecock; thence eastwardly along the common line of Welborn and Hedgecock to the western right-of-way line of U. S. Highway No. 311 (North Main Street); thence northwestwardly along the western line of said U. S. Highway 311, 300 feet, more or less, to a point, said point being 100 feet East of Dr. T. R. Zimmerman's northwest corner in the eastern right-of-way of said U. S. Highway 311; thence in a northeasterly direction across said highway to said corner of Dr. Zimmerman; thence with Dr. Zimmerman's North line in an easterly direction 1620 feet, more or less, to the center line of Bell Telephone Company's cable line; thence in a northeasterly direction along said cable line 1500 feet, more or less, to Hiatt Branch; thence with center line of Hiatt Branch approximately 11,900 feet to Deep River; thence downstream with the center line of Deep River approximately 18,400 feet to the East right-of-way line of Penny Road; thence with the East right-of-way of Penny Road in a southerly direction 150 feet, more or less, to the corporate limits of Jamestown, North Carolina, and continuing southwardly with said corporate limits 250 feet, more or less, to a corporate limit corner; thence with the corporate limits of Jamestown, North Carolina, in a westerly direction crossing Penny Road and along the North property line of Lot No. 53 of the subdivision, known

as "Part of Pennyburn Lands" to the northwest corner of Lot No. 53; thence in a southerly direction with the corporate limits of Jamestown, North Carolina, and the western property line of Lots 53 through 71 of said subdivision to the southwest corner of Lot No. 71 in said subdivision; thence eastwardly along the southern property line of Lot No. 71 and continuing across Penny Road to the East right-of-way line of said Penny Road, a corner in the corporate limits of Jamestown, North Carolina; thence in a southerly direction along the East right-of-way line of Penny Road to a point in the East right-of-way line of Penny Road and the northern right-of-way of U. S. Highway No. 29-A and 70-A (Greensboro Road), said point being a corner in the corporate limits of Jamestown, North Carolina; thence southeastwardly along the corporate limits of Jamestown, North Carolina, to its corner at the Southern Railroad Company; thence continuing in a northeasterly direction along the corporate limits of Jamestown, North Carolina, with the Southern Railway, to the center line of Deep River; thence southwardly (downstream), with the center line of the Deep River, for a distance of 1500 feet, more or less, to a point 200 feet beyond the mouth of an unnamed stream (which stream crosses Scientific Street about 400 feet South of the Southern Railway); thence southwestwardly (upstream) parallel to and 200 feet southeast of the center line of said unnamed stream, for a distance of 5000 feet, more or less, to a point 200 feet East of the center line of Scientific Street; thence southwardly, parallel to and 200 feet East of the center line of Scientific Street, crossing Dillon Road, a distance of 5000 feet to a point 200 feet South of the center line of Kivett Drive; thence westwardly parallel to and 200 feet South of the center line of Kivett Drive, a distance of 1200 feet, more or less, to a point 200 feet East of the center line of Crestwood (South of and opposite East Spring Garden); thence southwardly, parallel to and 200 feet East of the center line of Crestwood, a distance of 550 feet, more or less, to a point 200 feet North of the center line of Lawndale Street; thence eastwardly, parallel to and 200 feet North of the center line of Lawndale Street, a distance of 250 feet, more or less, to a point 200 feet East of the center line of Crestwood (Crestwood Park) extended; thence southwardly, parallel to and 200 feet East of the center line of Crestwood (Crestwood Park and Hillcrest Drive), crossing Central Boulevard and eastwardly, parallel to and 200 feet North of the center line of Oakcrest (Holton Street), a distance of 3100 feet, more or less, to a point 200 feet southeast of the center line of Triangle Lake Road; thence southwestwardly, parallel to and 200 feet southeast of the center line of Triangle Lake Road, a distance of 1300 feet, more or less, to a point 200 feet northeast of the center line of Baker Road; thence southeastwardly, parallel to and 200 feet northeast of the center line of Baker Road, crossing U. S. 29-70, a distance of 1800 feet, more or less; thence continuing parallel to and 200 feet southeast of the center line of Baker Road, a distance of 4200 feet, more or less, to a point on the High Point-Jamestown Township line; thence southwardly along said township line, a distance of 2700 feet, more or less, to a point 200 feet North of the center line of Elder Road; thence eastwardly parallel to and 200 feet North of the center line of Elder Road,

a distance of 1700 feet, more or less, to a point in the western boundary of the property of the Guilford County Board of Education; (Allen Jay Elementary School Property); thence northwardly with said western boundary, a distance of 1000 feet, more or less, eastwardly with the northern boundary a distance of 429.07 feet, and southwardly along the eastern boundary a distance of 923.41 feet along said Guilford County Board of Education property; thence continuing in the same direction as the eastern boundary to a point 200 feet South of the center line of the road in front of the Allen Jay School; thence westwardly, parallel to and 200 feet South of the center line of said road in front of the Allen Jay School, a distance of 300 feet, more or less, to a point 200 feet East of the center line of Ingram Street; thence southwardly parallel to and 200 feet East of the center line of Ingram Street, a distance of 2700 feet, more or less, to a point 200 feet South of the center line of North Carolina Highway 610 (Fairfield Road); thence in a westerly direction, parallel to and 200 feet South of the center line of North Carolina Highway 610 (Fairfield Road), a distance of 7000 feet, more or less, to a point in the center line of U. S. Highway No. 311 (South Main Street Extension); thence continuing in a westerly direction crossing Highway 311, parallel to and 200 feet South of the center line of Smith Road, a distance of 1400 feet, more or less, to a point 200 feet South of the center line of Smith Road, in the common line of the properties of Richardson and the Amos Ragan Estate; thence in a southerly direction along their line a distance of 1830 feet, more or less, to a point in the Guilford and Randolph County line; thence in a westerly direction along the Guilford and Randolph County line, a distance of 17,860 feet, more or less, to a corner of Guilford and Randolph Counties in the Davidson County line; thence in a northerly direction, along the Davidson County line, a distance of 30,870 feet, more or less, to the point and place of beginning.

Sec. 2. Section 3 of Chapter 107, Private Laws of 1931, the same being the Charter of the City of High Point, is hereby amended so that the corporate limits of the City of High Point will be as defined in Section 1 above and shall include all of the area and territory mentioned in said Section 1.

Sec. 3. The extension of the corporate limits of the City of High Point, as above provided, is hereby found, determined and declared to be for the benefit of the inhabitants of said city and of the areas annexed thereto by the provisions of this Act.

Sec. 4. The City Council of the City of High Point may contract with the governing body of any fire protection district, the area of which is included either in whole or in part within the corporate limits of said City of High Point by this Act, to acquire any or all property of such district, including, but without limitation, any fire fighting equipment or facilities, by gift, grant, purchase or otherwise, and if by purchase, to provide for the payment from nontax sources of the city any indebtedness of such district relating to said equipment, facilities or other property; and provided, further, that the City Council of said City of High Point may contract with any such district for the furnishing of fire protection by said city or by said district.

Sec. 5. The Charter of the City of High Point and the amendments thereto, all public, public-local and private laws in force and effect relating to the City of High Point, and all ordinances, including those establishing excise taxes of all kinds, in force and effect in the City of High Point shall apply to the areas hereby annexed with the same force and effect, and to the same extent, as if said areas had been a part of the City of High Point at the time of the adoption and passage of said Charter and the amendments thereto and of said laws and ordinances. All license taxes levied by the City of High Point for the year 1960 shall become due and payable in the areas herein annexed on the effective date of this Act, except that automobile license taxes shall become due and payable in said areas forty-five days after the effective date of this Act.

Sec. 6. All taxes levied and collected by the City of High Point from and after the effective date of this Act shall be levied and collected uniformly in all of the territory embraced in the enlarged municipality. All property listed or listed and assessed in accordance with ownership and value as of the first day of January, 1960, in the areas herein annexed shall be subject to all property taxes levied in the fiscal year beginning July 1, 1960, by the City of High Point on the basis of such ownership and value.

Sec. 7. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after January 1, 1960.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 480 CHAPTER 573

AN ACT AMENDING VARIOUS SECTIONS OF CHAPTER 115 OF THE GENERAL STATUTES RELATING TO THE PUBLIC SCHOOLS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-5 be and the same is hereby amended by adding at the end thereof the following:

"For purposes of Title V of the National Defense Education Act of 1958 (Public Law 85-864) the term 'secondary school' shall be applicable to grades seven through twelve."

Sec. 2. That G. S. 115-53 be and the same is hereby amended by striking out the period following the word "drivers" at the end of the next to the last paragraph thereof and adding the following:

"while driving school buses when the operation of such school buses is paid from the State Nine Months' School Fund."

Sec. 3. That G. S. 115-55 be and the same is hereby amended by inserting after the word "the" in line 13 thereof the words "controller of the".

Sec. 4. That G. S. 115-77 be and the same is hereby amended by adding at the end thereof the following:

"Provided the petition must be signed by persons who are the owners thereof and the taxpayers of the families living on such real property on the date the petition is filed with the county board of education. Provided further, that a person or corporation owning only an easement in real property shall not be considered an owner of said property within contemplation of this Section; and provided further that no right of action or defense founded upon the invalidity of such transfer shall be asserted, nor shall the validity of such transfer be open to question in any court upon any ground whatever, except in an action or proceeding commenced within sixty (60) days after the approval of such transfer is given by the State Board of Education."

Sec. 5. That Subsection B (1) of G. S. 115-78 be and the same is hereby amended by striking out the period at the end of said subsection and adding the following: "as to the amount to be spent for the site; and in case of a disagreement between a board of education and a board of county commissioners as to the amount to be spent for the site, the procedure provided in G. S. 115-87 shall, insofar as the same may be applicable, be used to settle the disagreement."

Sec. 6. That subsection D of G. S. 115-78 be and the same is hereby amended by placing a comma after the word "expenditure" in line 1 thereof and by inserting the following words after the comma and before the word "may" in said line, "including educational television,".

Sec. 7. That G. S. 115-85 be and the same is hereby amended by striking out the words "a manner" appearing in line 13 and substituting in lieu thereof the words "an amount".

Sec. 8. That subsection 2 of G. S. 115-90 be and the same is hereby amended by striking out the colon appearing after the word "unit" in line 11, inserting a comma in lieu thereof, and adding the following:

"and further, when each warrant is accompanied by an invoice, statement, voucher or other basic document which, upon examination by the countersigning officer, satisfies such countersigning officer that issuance of such warrant is proper:".

Sec. 9. That subsection (a) of G. S. 115-116 be and the same is hereby amended by adding at the end thereof the following:

"Provided that elections may be called to ascertain the will of the voters of an entire county, as to whether there shall be levied and collected a special tax on all the taxable property within the county for the purposes enumerated in this subsection. In such event, the supplemental tax shall be apportioned among the administrative units of the county on a per capita enrollment basis which shall be determined by the State Board of Education and certified to each administrative unit involved."

Sec. 10. That G. S. 115-117 be and the same is hereby amended by striking out the word "district" appearing in line 4 of said Section and substituting in lieu thereof the words "administrative unit, district, or other school area".

Sec. 11. That subsection 3 of G. S. 115-126 be and the same is hereby amended by inserting between the words "resale of" and "personal property" appearing in lines 1 and 2 thereof, the words "real or". That subsection 3 of G. S. 115-126 be and the same is hereby further amended by striking out the period at the end thereof, substituting a colon therefor and adding the following:

"Provided such private sale is consummated within a period of one year from the date of the initial public offering."

That subsection 3 of G. S. 115-126 be and the same is hereby further amended by adding at the end thereof the following:

"Any sale of real property at private sale made prior to May 1, 1959 is hereby validated, provided the real property so sold was first advertised for sale at public auction as provided by this Section and the price received therefor was in excess of the highest bid received at such public offering."

Sec. 12. That G. S. 115-147 be and the same is hereby amended by inserting between the words "suspend" and "any" appearing in line 2 thereof the words "or dismiss", and by inserting between the words "suspension" on lines 4 and 5 and the word "for" in line 5 thereof the words "or dismissal".

That G. S. 115-147 be and the same is hereby further amended by striking out the period at the end of the first sentence thereof, substituting a colon therefor and adding the following:

"Provided, any suspension or dismissal in excess of ten school days and any suspension or dismissal denying a pupil the right to attend school during the last ten school days of the school year shall be subject to the approval of the county or city superintendent."

That G. S. 115-147 be and the same is hereby further amended by inserting between the words "to" and "the", appearing in line 5 thereof, the words "the superintendent and to".

Sec. 13. That G. S. 115-150, as the same appears in the 1957 Cumulative Supplement to Volume 3A, be and the same is hereby amended by striking out the word "assimilate" appearing in line 17 thereof and substituting therefor the word "simulate".

That the last paragraph of said Section, as the same appears in the 1957 Cumulative Supplement to Volume 3A of the General Statutes, be and the same is hereby repealed.

Sec. 14. That G. S. 115-150.1, as the same appears in the 1957 Cumulative Supplement to Volume 3A of the General Statutes, is hereby repealed and the following Sections substituted therefor:

"§115-150.1. Duty of principal regarding fire hazards. The principal of every public school in the State shall have the following duties regarding fire hazards during periods when he is in control of a school:

"(1) Every principal shall make certain that all corridors, halls, and tower stairways which are used for exits shall always be kept clear and that nothing shall be permitted to be stored or kept in corridors or halls, or in, on or under stairways that could in any way interfere with the orderly exodus of occupants. The principal shall make certain that all

doors used for exits shall be kept in good working condition. During the occupancy of the building or any portion thereof by the public or for school purposes, the principal shall make certain that all doors necessary for prompt and orderly exodus of the occupants are kept unlocked.

"(2) Every principal shall make certain that no electrical wiring shall be installed within any school building or structure or upon the premises and that no alteration or addition shall be made in any existing wiring, except with the authorization of the superintendent. Any such work shall be performed by a licensed electrical contractor, or by a maintenance electrician regularly employed by the board of education and approved by the Commissioner of Insurance.

"(3) Every principal shall make certain that combustible materials necessary to the curriculum and for the operation of the school shall be stored in a safe and orderly manner.

"(4) Every principal shall make certain that all supplies, such as oily rags, mops, etc., which may cause spontaneous combustion, shall be stored in an orderly manner in a well-ventilated place.

"(5) Every principal shall make certain that all trash and rubbish shall be removed from the school building daily. No trash or rubbish shall be permitted to accumulate in a school attic, basement or other place on the premises.

"(6) Every principal shall cooperate in every way with the authorized building inspector, electrical inspector, county fire marshal or other designated person making the inspections required by G. S. 115-150.2.

"It shall further be the duty of the principal to bring to the attention of the local superintendent of schools the failure of the building inspector, electrical inspector, county fire marshal, or other person to make the inspections required by G. S. 115-150.2. It shall further be the duty of the principal to call to the attention of the superintendent of schools all recommendations growing out of the inspections, in order that the proper authorities can take steps to bring about the necessary corrections.

"§115-150.2. Inspection of school for fire hazards. Every public school building in the State shall be inspected every four months in accordance with the following plan: Provided, that the periodic inspections herein required shall be at least 90 days apart:

"(1) Each school building shall be inspected to make certain that none of the fire hazards enumerated in paragraphs 1, 3, 4 and 5 of G. S. 115-150.1 exist, and to insure that all heating mechanical, electrical. gas and other equipment and appliances are properly installed and maintained in a safe and serviceable manner as prescribed by the North Carolina Building Code. Following each inspection. the person or persons making the inspection shall furnish to the principal of the school a written report of conditions found during inspection, upon forms furnished by the Commissioner of Insurance, and the person or persons making the inspection shall also furnish a copy of the report to the superintendent of schools; the superintendent shall keep such copy on file for a period of three years. In addition to the periodic inspections herein required, any alterations or additions

to existing school buildings or to school building utilities or appliances shall be inspected immediately following completion.

"(2) The board of county commissioners of each county shall designate the person or persons to make the inspections and reports required by paragraph (1) of this Section. The board may designate any city or county building inspector, any city or county fire prevention bureau, any city or county electrical inspector, the county fire marshal, or any other qualified person or persons, but no person shall make any electrical inspection unless he shall be quilified as required by G. S. 160-122. Nothing in this Act shall be construed as prohibiting two or more counties from designating the same person or persons to make the inspections and reports required by paragraph (1) of this Section. The board of county commissioners shall compensate or provide for the compensation of the person or persons designated to make all such inspections and reports. The board of county commissioners may make appropriations in the general fund of the county to meet the costs of such inspections, or in the alternative the board may add appropriations to the School Current Expense Fund to meet the costs thereof: Provided, that if appropriations are added to the School Current Expense Fund, such appropriations shall be in addition to and not in substitution of existing school current expense appropriations.

"(3) It shall be the duty of the State Commissioner of Insurance, the State Superintendent of Public Instruction, and the State Board of Education to prescribe any additional rules and regulations which they may deem necessary in connection with such inspections and reports for the deduction of fire hazards and protection of life and property in public schools.

"(4) It shall be the duty of each principal to make certain that all fire hazards, called to his attention in the course of the inspections and reports required by paragraph (1) of this Section, are immediately removed or corrected, if such removal or correction can be accomplished by the principal. If such removal or correction can not be accomplished by the principal, it shall be the duty of the principal to bring the matter to the attention of the superintendent.

"(5) It shall be the duty of each superintendent of schools to make certain that all fire hazards, called to his attention in the course of the inspections and reports required by paragraph (1) of this Section and not removed or corrected by the principals as required by paragraph (4) of this Section, are removed or corrected, if such removal or correction can be brought about within the current appropriations available to the superintendent. Where any removal or correction of a hazard will require the expenditure of funds in excess of current appropriations, it shall be the duty of the superintendent to bring the matter to the attention of the appropriate board of education, and the board of education in turn shall bring the same to the attention of the board of county commissioners, in order that immediate steps be taken, within the framework of existing law, to remove or correct the hazard.

"§115-150.3. Liability for failure to perform duty. Any person wilfully failing to perform any of the duties imposed by G. S. 115-150, 115-150.1

or 115-150.2, shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars ($500.00) in the discretion of the court."

Sec. 15. That G. S. 115-186 be and the same is hereby amended by placing a comma after the word "route" in line 4 thereof, and inserting the following words "including stops for receiving and discharging pupils,".

Sec. 16. That G. S. 115-201 be and the same is hereby amended by deleting therefrom the entire second paragraph thereof, beginning with the word "For" and ending with the word "Section".

Sec. 17. That G. S. 115-252, as the same appears in the 1957 Cumulative Supplement to Volume 3A of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"All corporations chartered and organized under the laws of any state other than the State of North Carolina and all persons, partnerships and associations of persons not residents of this State operating business, trade or correspondence schools in this State shall comply with the provisions of this Article to the extent of seeing to it that all agents representing such school in the solicitation of business in this State shall be licensed under the provisions of G. S. 115-253 and shall have executed the bond required by G. S. 115-248 and G. S. 115-249."

Sec. 18. That all of G. S. 115-253, beginning with the word "provided" in line 15 thereof, be and the same is hereby rewritten to read as follows:

"Provided, that before a license is issued to the solicitor of an out-of-state business, trade or correspondence school, said solicitor shall execute the bond required for resident schools under the provisions of G. S. 115-248 and G. S. 115-249. Every school employing such solicitors shall be responsible for the acts, representations and contracts made by its solicitors. Any person soliciting students for any such school without first having secured a license from the State Board of Education and without having executed the bond required by this Article, shall be guilty of a misdemeanor and be punishable by a fine of not less than one hundred dollars ($100.00) or imprisonment for not more than thirty days (30) days, or by both such fine and imprisonment, in the discretion of the court."

Sec. 19. That G. S. 115-10 is hereby amended by rewriting the first sentence of paragraph 3 thereof to read as follows: "Special Meetings. Special meetings of the board may be set at any regular meeting or may be called by the chairman or by the secretary upon the approval of the chairman; provided, a special meeting shall be called by the chairman upon the request of any five members of the board."

Sec. 20. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 21. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 528 **CHAPTER 574**

AN ACT TO AMEND CHAPTER 90 OF THE GENERAL STATUTES RELATING TO THE PRACTICE OF OPTOMETRY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 90 of the General Statutes is amended as follows:

Delete the following, beginning at line 4 of G. S. 90-122 after the word office, "and mileage of five cents (5¢) per mile for all distances necessarily traveled in going to and coming from the meetings of the board." and substitute in lieu thereof the following: "and reimbursement for travel and other expenses, which in the opinion of the board are properly and necessarily incurred in the performance of his or her duties as a member of said board."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 536 **CHAPTER 575**

AN ACT TO AMEND G. S. 14-335 RELATING TO THE PUNISHMENT FOR PUBLIC DRUNKENNESS IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 12 of G. S. 14-335, as the same appears in the 1957 Supplement of the General Statutes, is amended by inserting after the comma following the word "Craven" and before the word "Edgecombe" in line one of said subsection, the word "Durham".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 632 **CHAPTER 576**

AN ACT TO AMEND ARTICLE 34 OF CHAPTER 106 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO CONTROL OF HOG CHOLERA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-314 is hereby amended as follows: (a) by striking from lines 5 and 6 of the first paragraph of said Section the words "United State Department of Agriculture, Bureau of Animal Industry," and substituting therefor the words "Biological Products Licensing Section, Animal Inspection and Quarantine Division, Agricultural Research Service of

the United States Department of Agriculture"; (b) and by striking from lines 6 and 7 of the second paragraph of said Section the words "United States Department of Agriculture, Bureau of Animal Industry" and substituting therefor the words "Biological Products Licensing Section, Animal Inspection and Quarantine Division, Agricultural Research Service of the United States Department of Agriculture."

Sec. 2. G. S. 106-315 is hereby amended by striking from said Section the proviso "Provided, that the provisions of this Section shall not apply to any county having a local law providing for the vaccination of hogs against cholera," beginning on line 5 and concluding on line 7 of said Section.

Sec. 3. G. S. 106-316.1 is hereby rewritten to read as follows: "It is the purpose and intent of 106-316.1 - 106-316.5 to safeguard the swine industry in North Carolina through a program designed to prevent the spread of hog cholera by prohibiting and restricting the use of virulent hog cholera virus; to provide for the use of modified live virus hog cholera vaccines that have been ilcensed as such by the Biological Products Licensing Section, Animal Inspection and Quarantine Division, Agricultural Research Service of the United States Department of Agriculture; to empower the State Board of Agriculture to establish rules and regulations and the Commissioner of Agriculture to establish emergency rules and regulations governing the movement of hogs into the State from other states and within the State; to establish rules and regulations designating the minimum dosage of anti-hog cholera serum or antibody concentrate that shall be used in combination with modified live virus hog cholera vaccines on swine vaccinated at public livestock markets and other places; and to establish such other rules and regulations and emergency rules and regulations as may be necessary for carrying out the purposes of Sections 106-316.1 - 106-316.5."

Sec. 4. G. S. 106-316.2 is hereby rewritten to read as follows:

"Notwithstanding any other provision of the law, either general, public-local special or private and except as herein provided, the possession, sale and use of virulent hog cholera virus in North Carolina is hereby prohibited. Virulent hog cholera virus referred to in this Section means any unattenuated hog cholera virus collected directly or indirectly from blood or other tissues of swine infected with hog cholera which has not been licensed as a modified live virus hog cholera vaccine. The State Veterinarian may issue a permit authorizing the sale, possession and use of virulent hog cholera virus only for the purpose of laboratory diagnosis; official research programs; production of anti-hog cholera serum, antibody concentrate, modified live virus, killed virus vaccine, and similar biological products; and following a declaration that a state of emergency exists in a designated quarantined hog cholera area or areas within the State by the Commissioner of Agriculture of North Carolina. The use of virulent hog cholera virus during a declared state of emergency shall be under the direct supervision of the State Veterinarian or his authorized representative. Modified live virus hog cholera vaccines that have been licensed as such by the Biological Products Licensing Section, Animal Inspection and Quarantine

Division, Agricultural Research Service of the United States Department of Agriculture may be sold and used in compliance with the General Statutes of North Carolina and the rules, regulations, definitions and standards adopted by the North Carolina Board of Agriculture and the emergency rules and regulations established by the Commissioner of Agriculture."

Sec. 5. G. S. 106-316.3 is hereby rewritten to read as follows:

"It shall be unlawful to bring hogs into North Carolina that have been inoculated with virulent hog cholera virus less than thirty days prior to the date of entry, except for immediate slaughter, and in addition thereto the transportation or importation of such hogs that have been inoculated with virulent hog cholera virus must be accompanied by a health certificate and permit as required by the rules and regulations of the North Carolina Board of Agriculture or emergency rules and regulations of the North Carolina Commissioner of Agriculture. The provisions of this Section shall not be construed to be in conflict with or to repeal any provisions of G. S. 106-317 through G. S. 106-322 or any other statute or rule or regulation prohibiting, restricting or controlling the interstate movement of hogs for other reasons."

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 634 CHAPTER 577

AN ACT TO AMEND CHAPTER 220 OF THE SESSION LAWS OF 1955 RELATING TO FEES OF THE REGISTER OF DEEDS OF PERSON COUNTY SO AS TO INCREASE THE FEE TO BE CHARGED FOR DEEDS FOR EASEMENT RIGHT-OF-WAY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 15 of Section 1 of Chapter 220 of the Session Laws of 1955 is hereby amended by rewriting the subsection to read as follows:

"(15) Deeds for easement right-of-way (regular), one dollar and fifty cents ($1.50) for the first page thereof, and one dollar ($1.00) for each additional page or fraction thereof."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 635 **CHAPTER 578**

AN ACT TO MAKE THE PROVISIONS OF G. S. 2-34 AND G. S. 2-35, RELATING TO THE CLERK OF SUPERIOR COURTS' FEES FOR AUDITING FINAL ACCOUNTS OF RECEIVERS, EXECUTORS AND TRUSTEES APPLICABLE TO PERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 2-36 is hereby amended by striking out the word "Person" immediately following the word "Pamlico" and immediately preceding the word "Pitt" in line six of said statute.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall become effective on July 1, 1959.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 636 **CHAPTER 579**

AN ACT TO FIX AND REGULATE THE FEES THAT MAY BE CHARGED AND COLLECTED BY THE CLERK OF SUPERIOR COURT OF PERSON COUNTY FOR THE PROBATE OF CHATTEL MORTGAGES.

The General Assembly of North Carolina do enact:

Section 1. For the probating of chattel mortgages the Clerk of Superior Court of Person County shall charge and collect the following fees:

Probate of a short form of lien bond, or lien bond and chattel mortgage combined, twenty-five cents (25¢).

Sec. 2. The provisions of Chapter 425 of the Session Laws of 1925, insofar as they conflict with this Act and any other laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 637 **CHAPTER 580**

AN ACT TO AMEND CHAPTER 165 OF THE SESSION LAWS OF 1953 SO AS TO INCREASE THE SALARY OF THE CLERK OF SUPERIOR COURT OF PERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 165 of the Session Laws of 1953 is hereby amended by rewriting the Section to read as follows:

"Sec. 3. The Clerk of Superior Court of Person County shall receive as his only compensation, and in lieu of any fees, a salary of fifty-six hundred dollars ($5,600.00) per annum, payable in twelve equal monthly installments out of the general fund of the county, which salary shall be in full payment of all services rendered by said Clerk, including his

services as juvenile judge and clerk of the county criminal court, and all other services which are now or may hereafter be imposed upon him by statute by virtue of his office as Clerk of the Superior Court."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 638 CHAPTER 581

AN ACT TO AMEND CHAPTER 1129 OF THE SESSION LAWS OF 1957 SO AS TO INCREASE THE SALARIES OF THE SHERIFF AND REGISTER OF DEEDS OF PERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1129 of the Session Laws of 1957 is hereby amended by rewriting the Section to read as follows:

"Section 1. The Sheriff of Person County shall receive as his only compensation, and in lieu of all fees, a salary of fifty-six hundred dollars ($5600.00) per annum payable in twelve (12) equal monthly installments out of the general fund of the county."

Sec. 2. Section 3 of Chapter 1129 of the Session Laws of 1957 is hereby amended by rewriting the Section to read as follows:

"Sec. 3. The Register of Deeds of Person County shall receive as his sole compensation, and in lieu of all fees, the salary of fifty-six hundred dollars ($5600.00) per annum payable in twelve (12) equal monthly installments out the general fund of the county, which salary shall be in full payment of all services rendered as register of deeds, clerk to the board of county commissioners, and all other services which are now or may hereafter be imposed upon him by statute by virtue of his office as register of deeds."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 639 CHAPTER 582

AN ACT TO FIX AND REGULATE CERTAIN FEES TO BE CHARGED BY THE SHERIFF OF PERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In Person County the fees to be charged by the sheriff for the services enumerated below shall be as hereinafter set out:

Arrests	$3.00
Serving Capias	3.00
Taking any Bond or Undertaking	2.00

Executng Subpoena for a Witness	1.00
Civil Summons	2.00
Sci Fa	2.00
Claim and Delivery	3.00
Execution, Demand and Levy on Each Defendant	3.00
Ejectment	2.00
Laying for Homesteads and Personal Property Exemptions	5.00
Serving Orders	2.00
Serving Notices	2.00
Attachment	3.00

Sec. 2. When a fee to be charged for a service rendered by the Sheriff of Person County is not set forth or fixed herein, such fees shall be charged as is now provided by law.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1959.

H. B. 641 CHAPTER 583

AN ACT RELATING TO THE SELECTION OF TRUSTEES FOR THE LEAKSVILLE TOWNSHIP PUBLIC SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 496 of the Session Laws of 1953 is hereby amended by striking out of Section 1 the last sentence thereof, said sentence beginning with the word "Notwithstanding" and ending with the word "candidate".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 655 CHAPTER 584

AN ACT RELATING TO THE COMPENSATION OF THE CHAIRMAN AND OF THE OTHER MEMBERS OF THE BOARD OF COMMISSIONERS OF CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Catawba County is hereby authorized and empowered to fix the annual salary of its chairman, and the annual salary of its other members:

Provided that the annual salary of the chairman shall not exceed eighteen hundred dollars ($1800.00), and the annual salary of each of the other members shall be equal and shall not exceed twelve hundred dollars ($1200.00) each.

The salaries shall be paid in twelve equal consecutive monthly payments out of the general fund of the county.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 664 CHAPTER 585

AN ACT AMENDING CERTAIN SECTIONS OF ARTICLE 31, CHAPTER 106 OF THE GENERAL STATUTES AND KNOWN AS "THE NORTH CAROLINA SEED LAW".

The General Assembly of North Carolina do enact:

Section 1. That numbered paragraph (2), subsection b of G. S. 106-281, under the heading "For Vegetable Seeds:" be and the same is hereby rewritten to read as follows:

"(2) Origin of Snapbeans and Pepper Seed; if unknown, so stated."

Sec. 2. That subsection b of G. S. 106-283 be and the same is hereby amended by adding at the end thereof a new paragraph to be numbered (7) and reading as follows:

"(7) To sell, offer, or expose for sale any pepper seed in containers holding one ounce or more of seed, not produced in the arid regions of the western United States, unless treated with a recommended dosage of bichloride of mercury or some other substance approved by the North Carolina Board of Agriculture, and so labeled."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 671 CHAPTER 586

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GRAHAM COUNTY TO PAY MILEAGE TO SHERIFF'S DEPARTMENT FOR TRAVEL OUTSIDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Graham County is hereby authorized to pay the sheriff's department an amount not to exceed ten cents (10¢) per mile as mileage for all trips made outside the county by the sheriff and members of his department in the performance of their official duties.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 683 CHAPTER 587

AN ACT TO FIX THE COMPENSATION OF THE COUNTY COMMISSISSIONERS OF DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. (The Chairman of the Board of County Commissioners of Davidson County shall receive in full compensation for the performanc of his duties as chaiman the salary of one hundred dollars ($100.00) per month.

Sec. 2. Each member of the Board of County Commissioners of Davidson County, other than the chairman, shall receive in full compensation for the performance of his duties as county commissioner a salary of sixty dollars ($60.00) per month.

Sec. 3. Chapter 65 of the Session Laws of 1945 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 756 CHAPTER 588

AN ACT TO AMEND CHAPTER 682 OF THE 1945 SESSION LAWS RELATING TO THE COMPENSATION OF MEMBERS OF THE BOARD OF EDUCATION OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 682 of the Session Laws of 1945 is hereby amended by striking out the words and figures "five dollars ($5.00)" immediately following the word "of", in line 2 of said Section, and substituting in lieu thereof the words and figures "ten dollars ($10.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 763 **CHAPTER 589**

AN ACT AMENDING CHAPTER 1160, SESSION LAWS OF 1953, RELATING TO THE FILING OF PAPERS BY CLERKS OF THE SUPERIOR COURT SO AS TO MAKE SAID CHAPTER APPLICABLE TO MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 1160, Session Laws of 1953, be and the same is hereby amended by inserting the word "McDowell" between the words "Lenoir" and "Gates" in the second line thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 765 **CHAPTER 590**

AN ACT TO AMEND CHAPTER 19 OF THE GENERAL STATUTES RELATING TO PUBLIC NUISANCES IN MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 19-2, as the same appears in Volume 1C of the General Statutes, is hereby amended by adding at the end thereof the following:

"Provided, that, in McDowell County, whenever a nuisance is kept, maintained, or exists as defined in G. S. 19-1, the prosecuting attorney of any city, county, or district court, the solicitor, or any citizen of the county may maintain civil action in the name of the State of North Carolina upon the relation of such prosecuting attorney of any city, county, or district court, solicitor, or citizen, to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same, and the owner or agent of the building or ground upon which said nuisance exists."

Sec. 2. G. S. 19-5, as the same appears in Volume 1C of the General Statutes, is hereby amended by adding at the end thereof the following:

"Provided, that, in McDowell County, if any building shall be adjudged to be a nuisance on two or more occasions within a five-year period, the order may provide that the period of closing be for a period of not to exceed three years unless sooner released."

Sec. 3. G. S. 19-6, as the same appears in Volume 1C of the General Statutes, is hereby amended by adding at the end thereof the following:

"Provided, that, in McDowell County, the proceeds of the sale of the personal property, as provided in G. S. 19-5, shall be applied in the payment of the cost of action and abatement and to remiburse the county for all costs advanced by it, and the balance, if any, shall be paid to the defendant."

Sec. 4. G. S. 19-8, as the same appears in Volume 1C of the General Statutes, is hereby amended by adding at the end thereof the following:

"Provided, that, in McDowell County, the court shall tax as part of the costs in any action brought hereunder such fee for the attorney prosecuting the action or proceedings as may in the court's discretion be reasonable compensation for the services performed by such attorney. Such fee shall be advanced by the county out of the general fund of the county, and the county shall be reimbursed therefor from the proceeds of the sale as provided by G. S. 19-6."

Sec. 5. This Act shall apply only to McDowell County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 766 CHAPTER 591

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY TO SUPPLEMENT THE SALARY OF THE DISTRICT SOLICITOR OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Guilford County is authorized in its discretion to supplement the salary of the District Solicitor of the Superior Court in the amount of one hundred dollars ($100.00) per week in excess of thirty weeks in any calendar year in which the solicitor prosecutes the criminal docket in the Superior Court of his district.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 769 CHAPTER 592

AN ACT TO AMEND CHAPTER 245, SESSION LAWS OF 1957, RELATING TO THE SALARY OF THE COUNTY ACCOUNTANT IN GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 245, Session Laws of 1957, is hereby amended by striking out the words and figures "twenty-seven hundred dollars ($2700.00)" immediately following the word "be" and immediately preceding the word "per" in line 2 of said Section, and inserting in lieu thereof the words and figures "three thousand dollars ($3,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after August 2, 1959.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 770 CHAPTER 593

AN ACT TO AMEND CHAPTER 190, SESSION LAWS OF 1947, RELATING TO THE SALARY OF THE REGISTER OF DEEDS OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 190, Session Laws of 1947, is hereby amended by striking out the words and figures "two thousand dollars ($2,000.00)" immediately following the word "of" and immediately preceding the word "to" in line 3 of said Section, and substituting in lieu thereof the words and figures "twenty-three hundred dollars ($2300.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after August 2, 1959.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 828 CHAPTER 594

AN ACT TO AMEND G. S. 28-68 RELATING TO THE PAYMENT TO THE CLERK OF COURT OF MONEY OWED TO AN INTESTATE IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-68 is hereby amended by striking out the figures "$500.00" wherever the same appear in said Section and by substituting in lieu thereof the figures "$1,000.00".

Sec. 2. This Act shall apply only to Caswell County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

H. B. 903 CHAPTER 595

AN ACT APPOINTING PHILLIP WESTALL A MEMBER OF THE YANCEY COUNTY BOARD OF EDUCATION IN PLACE OF M. D. BAILEY, RESIGNED.

The General Assembly of North Carolina do enact:

Section 1. That Phillip Westall be and he is hereby appointed a member of the Yancey County Board of Education for the term of four

years from the first Monday in April, 1959, to take the place of M. D. Bailey, who was appointed by H. B. 217, ratified on March 24, 1959, and who has resigned.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

S. B. 329 CHAPTER 596

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PRINCEVILLE TO ENLARGE THE CORPORATE BOUNDARIES THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 29 of the Private Laws of 1885 is hereby rewritten to read as follows:

"Sec. 2. The corporate limits of said town shall be as follows: Beginning at a stake on the southern bank of Tar River, said stake being in the eastern right-of-way line of the Atlantic Coast Line Railroad and 100 feet from the center line of the track; thence South 22 degrees 55 minutes East 1813 feet to a stake near a spring; thence North 87 degrees 14 minutes West 750 feet to an iron stake; thence South 23 degrees 30 minutes East 698 feet, South 14 degrees 30 minutes East 600 feet, South 22 degrees East 376 feet, South 31 degrees East 573 feet to an iron stake; thence South 87 degrees 14 minutes East 1800 feet to an iron stake; thence North 2 degrees 46 minutes East 563 feet to a stake South of Beasley Street; thence North 77 degrees East 475 feet to a stake; thence North 11 degrees 30 minutes West 494 feet to a stake on the East side of a farm path; thence North 29 degrees 30 minutes West 84 feet to a stake; thence North 52 degrees 30 minutes West 70 feet to a stake; thence South 64 degrees West 125 feet to a stake in a ditch; thence North 16 degrees West 50 feet to a stake in a path; thence South 76 degrees 30 minutes West 78 feet to a post; thence South 82 degrees West 39 feet to a post; thence North 2 degrees 46 minutes East 2643 feet to a stake on the southern bank of Tar River; thence along and with the southern bank of Tar River in a westerly direction to the point of beginning."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 525 **CHAPTER 597**

AN ACT TO AMEND CHAPTER 156 OF THE GENERAL STATUTES RELATING TO DRAINAGE AND DRAINAGE DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 156-69 is amended by adding a new paragraph at the end thereof to read as follows:

"The Board of Viewers shall consider the need and feasibility of the construction of water retardant structures which shall control the flow of water in the proposed canals. If it recommends the construction of water retardant and control structures, the specifications, location and estimate of cost of such shall be included in its report. The Board of Viewers shall set forth:

"(1) The determination of the right-of-way and easement of the canal and the areas needed for water retardant structures and the storage of water.

"(2) Upon whose lands such are located.

"(3) The area of land necessary to be acquired from each land owner.

The map accompanying the report shall show thereon the location of:

"(1) The right-of-way or easement.

"(2) The location of water retardant structures; and

"(3) The location of water storage areas.

"The Board of Viewers may, in its discretion, agree with the Soil Conservation Service of the Department of Agriculture or any agency of the Government of the United States or of the State of North Carolina whereby such agency will furnish all or a part of the service necessary to obtain the information set forth in the preceding paragraph and in G. S. 156-68.

"The Board of Viewers may accept such information as furnished by such agencies and include such information in their final report to the clerk."

Sec. 2. Chapter 156 of the General Statutes is amended by adding a new Section immediately following G. S. 156-70 to be designated as G. S. 156-70.1 and to read as follows:

"G. S. 156-70.1. The district shall be deemed to have acquired title for the purpose of easements or rights-of-way to those areas of land identified in the final report of the Board of Viewers and as shown on the map accompanying said report, at the time said final report is confirmed by the Clerk of the Superior Court.

"The Board of Viewers shall cause notice as to the area or areas of land involved, to be given to each land owner so affected, which notice shall be in writing and mailed to the last known address of the land owner at least fifteen (15) days prior to the hearing on the final report as provided by G. S. 156-73.

"If the land owner desires compensation for the land areas so acquired by the district, claim for the value of the same shall be submitted to the Board of Viewers on or before the time of the adjudication upon the final report as provided for by G. S. 156-74.

"If the Board of Viewers shall approve the claim, the amount so approved shall be added to the total cost of the district as estimated in said final report and this shall be done by amendment to the final report submitted to the Clerk of the Superior Court on or before the adjudication provided for in G. S. 156-74.

"If the Board of Viewers shall not approve said claim, the Clerk of the Superior Court shall consider the claim and determine what in his opinion is a fair value and the amount so determined shall be shown in the said final report as amended and confirmed by said adjudication. If land owner does not accept the value fixed by the Clerk of the Superior Court, appeal may be had upon the question of value, to the Superior Court and such appeal shall follow the procedure provided in G. S. 156-75."

Sec. 3. G. S. 156-83 is amended by adding a new paragraph at the end thereof to read as follows:

"The Board of Drainage Commissioners may, in its discretion, agree with the Soil Conservation Service of the Department of Agriculture or any agency of the Government of the United States or of North Carolina whereby such agency may furnish the service required of the superintendent of construction. If this is done by the board, any reference in this Chapter to the superintendent of construction and/or his duties shall include or be exercised by the said agency subject to the approval of the board of commissioners."

Sec. 4. Chapter 156 of the General Statutes is amended by adding immediately following the paragraph numbered (5) in subsection G. S. 156-93.1 two new paragraphs to be numbered (6) and (7) and to read as follows:

"(6) The provisions for maintenance as set forth in this Article and elsewhere in this subchapter III shall include water retardant structures and the operation of such.

"(7) The board of commissioners may borrow money in anticipation of revenue from maintenance assessments, as hereinbefore provided for, from which assessments the loan shall be repaid. The amount which the commissioners may borrow shall not be limited to the revenues anticipated for any one year. The terms and provisions of such loan shall be approved by the Clerk of the Superior Court which approval shall be requested in the form of a petition and order in the proceeding by virtue of which the district was organized. The proceeds of said loan shall be used only for purposes set forth in Article 7A of Chapter 156."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 577 **CHAPTER 598**

AN ACT TO AMEND G. S. 105-311 RELATIVE TO THE TIME FOR LISTING PROPERTY FOR AD VALOREM TAXATION.

The General Assembly of North Carolina do enact:

Section 1. Section 105-311, as same appears in the 1958 Recompiled Volume 2C of the General Statutes, is hereby amended by inserting between the period and the word "nothing" in line 7 the following:

"Provided further, that corporations, firms, partnerships, and sole proprietorships engaged in manufacturing or wholesale or retail businesses may make application to the board of county commissioners for an extension of time within which to list their taxes and the board may, upon good cause shown, make a reasonable extension of time which shall not in any event be extended beyond the 15th day of April. If such applications are made in good faith before the expiration of the regular or generally extended listing period and the returns are filed within the time so extended by the board of commissioners, the late listing penalty shall not apply. In the event the application for extension shall be denied, the return shall be filed within 10 days after notification of such denial and if not made within such 10 days the penalty for late listing shall apply. This Act shall apply to Rockingham County only."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after January 1, 1960.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 609 **CHAPTER 599**

AN ACT TO AMEND CHAPTER 526 OF THE SESSION LAWS OF 1945, RELATING TO THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, SO AS TO MAKE THE SAME APPLICABLE TO ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 9 of Chapter 596 of the Session Laws of 1945 is hereby amended by striking out the words "Onslow County" in line 4 thereof.

Sec. 2. Any Acts heretofore done with respect to the matters covered by Chapter 526 of the Session Laws of 1945 shall be as fully effective as to Onslow County and the municipalities and governmental agencies therein as if Onslow County had not been excepted from said Act when it was enacted, and all such Acts or actions heretofore taken with respect thereto are hereby validated and confirmed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 615 **CHAPTER 600**

AN ACT PROVIDING THAT ANY SUPPLEMENTAL TAX VOTED BY THE SOUTHPORT SCHOOL DISTRICT MAY BE USED TO SUPPLEMENT ANY ITEM IN THE CURRENT EXPENSE BUDGET OR IN THE CAPITAL OUTLAY BUDGET.

The General Assembly of North Carolina do enact:

Section 1. That any supplemental school tax voted by the Southport School District in Brunswick County, under the provisions of Article 14, Chapter 115 of the General Statutes may be used not simply to supplement those items of the budget set forth in G. S. 115-116(a), but may be used to supplement any item in the Current Expense School Budget or any item in the Capital Outlay School Budget.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 654 **CHAPTER 601**

AN ACT TO AUTHORIZE APPROPRIATIONS BY THE BOARD OF COMMISSIONERS OF CATAWBA COUNTY, FOR INDUSTRIAL DEVELOPMENT AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Catawba County is hereby authorized and empowered to appropriate from nontax revenues for each current year such sums as they may in their discretion determine, to be known as designated as the Catawba County Development Fund. The said board of commissioners may use such amounts as may be appropriated to the said fund for the purposes of encouraging industry to locate in Catawba County, promoting the agricultural development of said county, development of the tourist industry of said county, advertising regarding the said county and otherwise, for the purpose of increasing the population and the taxable property values of said county. The appropriations to the said fund are hereby declared to be for a public purpose and the expenditure of amounts for the purposes aforesaid are hereby declared to be in the public interest and promotive of the public welfare:

Provided, however, that no ABC funds shall be appropriated or used for the aforesaid purposes.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 685 **CHAPTER 602**

AN ACT TO EXTEND THE TIME FOR MAKING THE QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Burke County is hereby authorized in its discretion to postpone until the year 1960 or 1961 the quadrennial revaluation and reassessment of real property as required by G. S. 105-278.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 750 **CHAPTER 603**

AN ACT AUTHORIZING THE CATAWBA HEIGHTS SANITARY DISTRICT TO EXPEND CERTAIN SURPLUS FUNDS FOR THE CONSTRUCTION OF AN OFFICE AND UTILITY BUILDING, SUBJECT TO A REFERENDUM VOTE OF THE PEOPLE WITHIN SAID DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Subject to the referendum vote provided for in Section 2 of this Act, the Board of Commissioners of the Catawba Heights Sanitary District is hereby authorized in its discretion to expend a sum not to exceed ten thousand dollars ($10,000.00) from the surplus funds of the district for the purpose of constructing an office and utility building within the boundaries of said district.

Sec. 2. The Board of Commissioners of Catawba Heights Sanitary District is hereby authorized in its discretion to call for a referendum election on the issue of whether the expenditure provided for in Section 1 of this Act shall be made, such election to be held on such date prior to July 1, 1960 as may be fixed by the Board of Commissioners of Gaston County, North Carolina.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 751 **CHAPTER 604**

AN ACT RELATIVE TO THE COUNTING OF BALLOTS CAST FOR GROUP CANDIDATES IN JONES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-175, as same apepars in the 1957 Cumulative Supplement, is hereby amended by inserting in the second line of the last paragraph between the comma and the word "Lenoir" the following: "Jones,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 754 **CHAPTER 605**

AN ACT TO PROVIDE THAT CERTAIN DELINQUENT TAXES BE PAID INTO THE GENERAL FUND OF AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The proceeds of all delinquent taxes, when they are two years old, shall be paid into the General Fund of Avery County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 762 **CHAPTER 606**

AN ACT FIXING THE TERMS OF OFFICE OF THE COUNTY COMMISSIONERS OF MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 426, Session Laws of 1957 be and the same is hereby rewritten to read as follows:

"Section 1. That the Board of County Commissioners of McDowell County shall consist of three (3) members to be elected for terms of office for two (2), four (4), and six (6) years, respectively, as set out in this Act."

Sec. 2. That Section 2 of Chapter 426, Session Laws of 1957 be and the same is hereby rewritten to read as follows:

"Sec. 2. That at the general election to be held in 1960, one member of said board shall be elected for a term of six years. That in the general election to be held in the year 1962, of the candidates who shall be elected as members of the said county board of commissioners, the one receiving

the highest number of votes shall be elected for a term of six years, and the one receiving the next highest number of votes shall be elected for a term of two years. Thereafter, each member of the board of commissioners of said county, except one chosen to fill an unexpired term, shall be elected for a term of six years, the intention of this Act being that one member of said board of county commissioners shall be elected biennially to serve for a term of six years."

Sec. 3. Nothing in this Act shall be construed as affecting the length of terms of the members of the Board of County Commissioners of McDowell County now serving in that capacity.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 779 CHAPTER 607

AN ACT PROVIDING THAT CERTAIN DELINQUENT TAXES OF MACON COUNTY, WHEN COLLECTED, SHALL BE PAID INTO THE GENERAL FUND OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The first fifteen thousand dollars ($15,000.00) of all delinquent taxes for the year 1958 and prior years, collected in Macon County shall be paid into the general fund of said county. In the future, the first fifteen thousand dollars ($15,000.00) collected each year on taxes that are as much as one year past due shall be paid into the general fund of said county.

Sec. 2. This Act shall apply to Macon County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 781 CHAPTER 608

AN ACT TO AMEND G. S. 105-422 RELATING TO THE STATUTE OF LIMITATIONS ON ENFORCEMENT OF TAX LIENS SO AS TO EXEMPT STOKES COUNTY FROM THE PROVISION OF THE STATUTE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-422, as the same appears in Replacement Volume 2C of the General Statutes, is hereby amended by adding immediately following the comma after the word "Scotland" and immediately preceding the word "Vance", in line 16 of said Section, the word "Stokes,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 783 CHAPTER 609

AN ACT TO EXTEND THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF WADESBORO IN ANSON COUNTY FOR A DISTANCE OF ONE MILE BEYOND THE CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other authority granted by law, the police officers of the Town of Wadesboro in Anson County are hereby authorized and empowered to make arrests, preserve the peace, and serve criminal process within the area beyond and surrounding the corporate limits of the Town of Wadesboro as now or hereafter fixed for a distance of one (1) mile in all directions.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 800 CHAPTER 610

AN ACT TO AMEND G. S. 163-175 RELATING TO SINGLE SHOT VOTING SO AS TO MAKE PARAGRAPH 6 THEREOF INAPPLICABLE TO BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-175, as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by striking out the word "Brunswick," immediately following the comma after the word "Bladen" and immediately preceding the word "Catawba" in line one of the paragraph immediately following paragraph 6 in brackets, and by adding at the end thereof the following:

"Paragraph 6 in brackets shall not apply to Brunswick County."

Sec. 2. Chapter 647, Session Laws of 1957, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 809 **CHAPTER 611**

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF WILKES COUNTY TO EXTEND THE TIME FOR THE QUADRENNIAL ASSESSMENT OF PROPRETY FOR TAXATION.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Wilkes County, in its discretion, is hereby authorized to defer or postpone revaluation and reassessment of real property to the year 1960 or 1961. Whenever revaluation is had, the same may be by horizontal increase or reduction or by actual appraisal thereof, or both, and the provisions of subchapter II of Chapter 105 of the General Statutes shall apply.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

H. B. 853 **CHAPTER 612**

AN ACT TO AMEND HOUSE BILL NO. 295, RATIFIED APRIL 1, 1959, RELATING TO THE MORGANTON EMPLOYEES' RETIREMENT FUND.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of House Bill No. 295, ratified April 1, 1959, is amended by adding at the end thereof the following:

"The Town of Morganton, or any governing body, agency, insurance company, person or other corporation contracting with the Town of Morganton for the investment, care or administration of said fund may invest and reinvest the funds constituting the said fund in one or more of the types of securities or other investments authorized by Section 58-79 of the General Statutes of North Carolina, as heretofore or hereafter amended, and by other State law, for the investment of assets of domestic life insurance companies."

Sec. 2. Section 6 of House Bill No. 295, ratified April 1, 1959, is amended by adding at the end thereof the following:

"Provided, however, nothing in this Act shall prohibit the Town of Morganton from providing or continuing to provide Old Age and Survivors' Insurance coverage, or Social Security coverage, for its officers and employees as the same may be authorized by Federal and State laws.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1959.

S. B. 207 **CHAPTER 613**

AN ACT TO AMEND CHAPTER 53A-2 OF THE GENERAL STATUTES RELATING TO BUSINESS DEVELOPMENT CORPORATIONS SO AS TO AUTHORIZE SUCH CORPORATIONS TO OBTAIN LOANS FROM ANY FINANCIAL INSTITUTION AND FROM CERTAIN FEDERAL AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 53A-2 is hereby amended by deleting the word "only" in line one of paragraph (3) (b), as the same appears in the 1957 Cumulative Supplement to the General Statutes, and inserting in lieu thereof, immediately following the word "members", the following: ", from any fiinancial institution, and from any agency established under the Small Business Investment Act of 1958, Public Law 85-699 - 85th Congress, or other similar Federal legislation,".

Sec. 2. Nothing contained in Section 1 above shall change or affect in any way the provisions of the certificate of incorporation of any existing corporation organized under Chapter 1146 of the Session Laws of 1955 unless and until such certificate of incorporation shall be amended as provided in Section 9 of Chapter 1146 of the Session Laws of 1955.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

S. B. 343 **CHAPTER 614**

AN ACT TO AUTHORIZE THE APPOINTMENT OF SPECIAL POLICEMEN AT THE WAYNE COUNTY MEMORIAL HOSPITAL.

The General Assembly of North Carolina do enact:

Section 1. The Superintendent of the Wayne County Memorial Hospital is authorized to appoint such number of discreet employees of the hospital as he may think proper as special policemen who, when so appointed, shall have all the powers of policemen of incorporated towns. Such policemen shall have the power to arrest without warrant persons committing violations of State law in their presence in the buildings or on any of the grounds of the Wayne County Memorial Hospital. Employees appointed as such special policemen shall take the general oath of office prescribed by G. S. 11-11.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

S. B. 345 **CHAPTER 615**

AN ACT TO AUTHORIZE APPROPRIATIONS BY THE TOWN COUNCIL OF THE TOWN OF TARBORO FOR INDUSTRIAL DEVELOPMENT AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Town Council of the Town of Tarboro is hereby authorized and empowered to appropriate and set apart annually a fund in such amount as said council shall in its discretion determine annually to be desirable and necessary to carry out the provisions and purposes of this Act up to and including the sum of ten thousand dollars ($10,000.00) annually.

Sec. 2. The said council is hereby authorized and empowered to appropriate annually and set apart said fund as authorized in Section 1 hereof, in its discretion, from any surplus funds and from source or sources of revenue coming into its hand other than funds derived from taxation, and to accumulate any unexpended funds.

Sec. 3. The said fund when made available and appropriated annually as authorized by this Act, shall be used and expended by said council, in its discretion, for the purpose of obtaining or aiding and encouraging the locating in or near the Town of Tarboro or in Edgecombe County of manufacturing, industrial, business and commercial plants and enterprises, the agricultural development of Edgecombe County, the advertising of the suitability of said town and county and the advantages it has to offer in connection with the foregoing and for such other purposes as will in the opinion of said council increase the population, taxable property values and the general and material welfare of said town and county. It is hereby found and declared that the annual setting apart and the raising and providing for the fund as herein set forth and the expenditure thereof as herein authorized for the purposes aforesaid constitutes and is for a lawful public purpose and that said expenditures are in the public interest and will promote the public welfare.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 196 **CHAPTER 616**

AN ACT TO AMEND G. S. 163-172 SO AS TO MAKE ELECTED OFFICERS AND CANDIDATES INELIGIBLE TO SERVE AS MARKERS; AND TO AMEND G. S. 163-182 SO AS TO REQUIRE WATCHERS TO BE QUALIFIED ELECTORS OF THE PRECINCT FOR WHICH THEY ARE APPOINTED.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 163-172 be amended by inserting after the first sentence another sentence to read as follows:

"Elected officers and candidates for elective offices shall be ineligible to serve as markers, but all other governmental employees shall be eligible to serve as markers."

Sec. 2. That G. S. 163-182 be amended by inserting between the word "watchers" and the word "to" in line 5 the following:

", who shall be qualified electors of the precinct for which they are appointed,".

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act here hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 354 **CHAPTER 617**

AN ACT TO AMEND G. S. 89-5, 1958 REPLACEMENT VOLUME 2C, RELATING TO THE SECRETARY OF THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND DEFINING HIS DUTIES, LIABILITIES AND EXPENDITURE OF FUNDS OF THE BOARD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 89-5, 1958 Replacement Volume 2C, is amended by striking out in lines 3 and 4 the words "pay them to the State Treasurer who shall keep such moneys in a separate fund, to be known as" and inserting in lieu thereof the words "deposit them in a special fund in some bank or trust company authorized to do business in North Carolina, which fund shall be dsignated as".

Said Section is further amended by striking out in lines 6 and 7 the words "continued from year to year separate and apart from all other moneys in the State Treasury, and shall be".

Said Section is further amended by striking out in lines 10 and 11 thereof the words "of the Auditor of the State, issued on requisition".

Said Section is further amended by striking out in line 14 the words "State Treasurer" and inserting in lieu thereof the words "State Board of Registration for Professional Engineers and Land Surveyors".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after November 30, 1959.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 433 **CHAPTER 618**

AN ACT TO AMEND CHAPTER 135 OF THE GENERAL STATUTES SO AS TO PERMIT SOCIAL SECURITY COVERAGE OF STATE EMPLOYEES WHO ARE MEMBERS OF THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 135 of the General Statutes is hereby amended by adding at the end of said Chapter two new Sections to be designated as G. S. 135-30 and 135-31, and to read as follows:

"G. S. 135-30. State Employee Members of Law Enforcement Officers' Benefit and Retirement Fund. The Federal-State agreement provided in G. S. 135-21 shall be revised and extended to provide that, effective on, or retroactively as of, such date as may be fixed by the Board of Commissioners of the Law Enforcement Officers' Benefit and Retirement Fund, all or some of the members of said Fund who are employees of the State of North Carolina or any of its agencies, shall be covered by the Social Security Act, dependent upon a referendum or referendums held pursuant to Federal laws and regulations, at the request of said Board, with the approval of the Governor: Provided that such action shall be subject to the conditions and terms set forth in such agreement and subject to all applicable provisions of Article 2 of Chapter 135 of the General Statutes not inconsistent herewith: Provided however that the effecting of social security coverage shall not cause to be reduced or lowered the amount of the contributions to be made to the Law Enforcement Officers' Benefit and Retirement Fund by any State employee who is a member thereof nor the amount to be contributed by the State to said Fund with respect to each State employee members; provided, further, from and after the date the above-described employees become subject to the Social Security Act, there shall be deducted from each such employee's salary for each and every payroll period such sum as may be necessary to pay the amount of contributions or taxes required on his account with respect to social security coverage, and the State, or the appropriate State agency, as an employer, shall pay the amount of contributions or taxes with respect to such person, as may be necessary on his account to effect the above-described social security coverage.

"G. S. 135-31. Split Referendums. The provisions of this Article shall be construed as authorization for the State or political subdivisions or instrumentalities of government which have not heretofore secured social security coverage, and which are otherwise authorized to secure such coverage, to hold any type of referendum with respect thereto which Federal law now or hereafter may authorize, and not be restricted to the types of referendums authorized by Federal law at the time of the original enactment of this Article."

Sec. 2. This Act is not to be construed as an appropriation act and no referendum shall be held pursuant to G. S. 135-30 unless and until the

Director of the Budget determines an adequate appropriation has been made, otherwise than by this Act, to carry out the purpose of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 464 CHAPTER 619

AN ACT MAKING CLARIFYING AMENDMENTS TO ARTICLE 16 OF CHAPTER 130 OF THE GENERAL STATUTES, RELATING TO REGULATION OF THE MANUFACTURE OF BEDDING.

The General Assembly of North Carolina do enact:

Section 1. Chapter 130 of the General Statutes, as the same appears in the 1957 Cumulative Supplement to Volume 3B, is hereby amended as follows:

(a) By inserting the word "quilt," immediately preceding the word "comforter" in line 3 of G. S. 130-171.

(b) By striking out the words "except as otherwise provided in this Article," in the first and second lines of the fourth paragraph of G. S. 130-173.

(c) By striking out in the fifth line of the second paragraph of G. S. 130-176 the letters and figures "G. S. 130-172", and inserting in lieu thereof the words "this Article".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 485 CHAPTER 620

AN ACT TO AMEND G. S. 135-5 RELATING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 135-5 is hereby amended by striking out paragraph (3) of subsection (a) and by rewriting paragraph (2) of subsection (a) to read as follows:

"(2) Effective July 1, 1960, any member in service shall automatically be retired as of July 1, 1960, if he has then attained the age of sixty-five years, otherwise as of the subsequent July first coincident with or next following his sixty-fifth birthday: Provided that upon the recommendation of his employer, made on such form and under such conditions as the board

of trustees may require, and with the approval of the board of trustees any such member may continue in service for one additional year following each such annual recommendation and approval."

Sec. 2. G. S. 135-5 is hereby amended by rewriting subsection (b) to read as follows:

"(b) Service Retirement Allowances of Persons Retiring on or after July 1, 1959. Upon retirement from service on or after July 1, 1959 a member shall receive a service retirement allowance which shall consist of:

(1) An annuity which shall be the acturial equivalent of his accumulated contributions at the time of his retirement; and

(2) A pension equal to the annuity allowable at the age of sixty-five years or at his retirement age, whichever is the earlier age, computed on the basis of contributions made prior to such earlier age; and

(3) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to the sum of:

a. The annuity which would have been provided at his retirement age by the contributions which he would have made during such prior service had the System been in operation and had he contributed thereunder at the rate of six and twenty-five hundredths per centum (6.25%) of his compensation; and

b. The pension which would have been provided on account of such contributions at age sixty-five, or at his retirement age, whichever is the earlier age.

"If the member has not less than 20 years of creditable service, he shall be entitled to a total retirement allowance of not less than seventy dollars ($70.00) per month; provided that the computation shall be made prior to any reduction resulting from the selection of an optional allowance as provided by subsection (g) of this Section."

Sec. 3. G. S. 135-5 is hereby further amended by adding a new subsection at the end thereof, to be appropriately designated, and to read as follows:

"Notwithstanding anything herein to the contrary, effective July 1, 1959, the following provisions shall apply with respect to any retirement allowance payments due after such date to any retired member who was retired prior to July 1, 1959, on a service or disability retirement allowance:

(1) If such retired member has not made an election of an optional allowance in accordance with Section 135-5(g), the monthly retirement allowance payable to him from and after July 1, 1959, shall be equal to the allowance previously payable, increased by fifteen per cent (15%) thereof, or by fifteen dollars ($15.00), whichever is the lesser; provided that, if such member had rendered not less than 20 years of creditable service, the retirement allowance payable to him from and after July 1, 1959, shall be not less than seventy dollars ($70.00) per month.

(2) If such retired member has made an effective election of an optional allowance, the allowance payable to him from and after July 1, 1959, shall be equal to the allowance previously payable under such election plus an increase which shall be computed in accordance with (1) above as if he had not made such an election; provided that such increase shall

be payable only during the retired member's remaining life and no portion of such increase shall become payable to the beneficiary designated under the election."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 610 CHAPTER 621

AN ACT REPEALING CHAPTER 210, SESSION LAWS OF 1951, AS MODIFIED BY CHAPTER 598, SESSION LAWS OF 1955 AND AMENDING CHAPTER 826, SESSION LAWS OF 1957 RELATING TO THE ROTATION OF THE POSITION OF DEMOCRATIC CANDIDATES FOR THE OFFICE OF STATE SENATOR AMONG THE COUNTIES OF CHEROKEE, CLAY, GRAHAM, MACON AND SWAIN, WHICH CONSTITUTE THE THIRTY-THIRD SENATORIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 210, Session Laws of 1951, as modified by Chapter 598, Session Laws of 1955, be and the same is hereby repealed in its entirety.

Sec. 2. That Section 1 of Chapter 826, Session Laws of 1957, be and the same is hereby amended by striking out the words "and the State Senate" appearing in line 3 thereof. The purpose of this Act is to eliminate the requirement for the rotation of Democratic candidates for the State Senate among the counties constituting the Thirty-Third Senatorial District and to provide that the candidate of the Democratic Party for said office shall be nominated in primary elections participated in by the Democratic voters of the entire district including Cherokee County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 628 CHAPTER 622

AN ACT TO AMEND ARTICLE 24 OF CHAPTER 130 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE FORMATION AND CORPORATE POWERS OF MOSQUITO CONTROL DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-211, as the same appears in the 1957 Cumulative Supplement to Volume 3B of the General Statutes, is hereby amended as follows:

(a) Paragraph one of subsection (b) is amended by adding at the end thereof the following:

"Upon determining that the district should be created and established, and prior to the submission of the question of the formation of the district to the voters of the proposed district, the board of county commissioners may determine the maximum amount of special tax to be levied for mosquito control purposes should the formation of the district be approved by the voters; provided, however, that in no event shall the maximum authorized levy exceed thirty-five cents (35¢) upon the one one hundred dollar ($100.00) assessed valuation. If the board of county commissioners determines that the maximum amount of special tax to be levied for mosquito control purposes should the voters approve the formation of the proposed district is to be less than thirty-five cents (35¢) on the one hundred dollar ($100.00) valuation the maximum amount thus determined must appear on the ballot to be used by the voters voting on the question of the creation of the district."

(b) Paragraph four of subsection (b) is amended by adding immediately following the word "tax" and immediately preceding the word "for" in lines four and six of said paragraph the following words and punctuation:

"[here insert the words 'not to exceed' and the maximum amount of special tax to be levied for mosquito control purposes if the board of county commissioners has determined that the maximum authorized amount is to be less than thirty-five cents (35¢) on the one hundred dollar ($100.00) assessed valuation]".

Sec. 2. G. S. 130-213, as the same appears in the 1957 Cumulative Supplement to Volume 3B of the General Statutes, is hereby amended as follows:

(a) Paragraph one of subsection (1) is amended by adding at the end thereof the following:

"Provided, that where a mosquito control district lies solely within a single county and includes the entire county, the board of county commissioners may, in their discretion, levy and determine the rate of ad valorem tax to be levied at a rate not to exceed thirty-five cents (35¢) upon the adjusted one hundred dollar ($100.00) assessed valuation; provided further, that where a mosquito control district lies wholly within a single county and the maximum authorized special tax approved by the voters at the time of voting on the creation of the district was less than thirty-five cents (35¢) on the one hundred dollar ($100.00) assessed valuation, the ad valorem tax levy shall not exceed such lesser amount."

(b) Paragraph two of subsection (1) is amended by adding the words "or the board of county commissioners" immediately following the word "district" and immediately preceding the word "as" in line 3 of said paragraph, and by adding the words "or the board of county commissioners" immediately following the word "district" and immediately preceding the word "shall" of line 4 of said paragraph.

Sec. 3. A new Section to be numbered §130-220 shall be added following G. S. 130-219 which shall be as follows:

"§130-220. Dissolution of Certain Mosquito Control Districts. In any mosquito control district established under this Chapter which has no outstanding indebtedness, fifty-one per cent (51%) or more of the resident freeholders therein may petition the board of commissioners of the county in which all or the greater portion of the resident freeholders of the district are located to dissolve said district. Upon receipt of such petition, the board of county commissioners through its chairman, shall notify the State Board of Health and the chairman of the board of county commissioners of any other county or counties in which any portion of the district lies, of the receipt of such petition, and shall request that a representative of the State Board of Health hold a joint public hearing with the said county commissioners concerning the dissolution of the district. The State Health Director and the chairman of the board of county commissioners shall name a time and place within the district at which the public hearing shall be held. The chairman of the board of county commissioners shall give prior notice of such hearing by posting a notice at the courthouse door of the county and also by publication in a newspaper published in said county at least once a week for four successive weeks; and in the event such hearing is to be before a joint meeting of the boards of county commissioners of more than one county, then a like publication and notice shall be made and given in each of said counties. In the event that all matters pertaining to the dissolution of the mosquito control district cannot be concluded at the hearing, any such hearing may be continued to a time and place determined by the representatives of the State Board of Health. If, after such hearing, the State Board of Health and the county commissioners concerned shall deem it advisable to comply with the request of said petition, the State Board of Health shall adopt a resolution to that effect, whereupon the district shall be deemed dissolved."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 660 CHAPTER 623

AN ACT TO AMEND ARTICLE 3 OF CHAPTER 131 OF THE GENERAL STATUTES TO PROVIDE, SUBJECT TO AN ELECTION THEREON, FOR THE CONVERSION OF ANY COUNTY TUBERCULOSIS HOSPITAL TO OTHER USES AND THE ISSUANCE OF COUNTY BONDS AND THE LEVY OF A MAINTENANCE TAX FOR ANY HOSPITAL OR FACILITY TO WHICH SUCH HOSPITAL IS CONVERTED.

The General Assembly of North Carolina do enact:

Section 1. Article 3 of Chapter 131 of the General Statutes of North Carolina is hereby amended by inserting the following Sections to be designated as indicated and to read as follows:

"131-33.2. If the board of commissioners of any county maintaining a county tuberculosis hospital under the provisions of this Article exclusively for the care and treatment of persons suffering from tuberculosis shall determine by a majority vote of the board that the operation and maintenance of such hospital for such purpose is no longer desirable or necessary, such board of commissioners is hereby authorized and empowered to convert such hospital to any one or more of the following hospitals or facilities: general hospital; hospital or medical institution for the treatment of specific diseases, illnesses or deformities; institution for the care and treatment of the chronically ill or convalescent patients; nursing home or other similar institution or facility; provided, however, that such conversion shall be approved by a majority of the qualified voters of the county voting on such question at any general election or at any special election called by the board of commissioners for such purposes. If such conversion is approved by the voters the board of commissioners may change the name of such county tuberculosis hospital to such name as the board may select.

"131-33.3. The board of commissioners of any county so converting any such hospital is hereby authorized and empowered, in its discretion and to the extent permitted by law, to pledge, encumber or appropriate funds from any surplus funds, unappropriated funds, or funds derived from profits of Alcoholic Beverage Control Stores, for the operation and maintenance of the hospital or facility to which such hospital is converted. The board of commissioners is also authorized and empowered to levy a special annual tax not to exceed ten cents (10¢) on the one hundred dollars ($100.00) valuation of property, the proceeds of such tax to be used for an operation or maintenance fund or for capital improvements to such hospital or facility, and any such tax shall be in addition to any other tax authorized or levied for such purpose; provided, however, that the levy of such special tax shall be approved by a majority of the qualified voters of the county voting on such question at any general election or at any special election called by the board of commissioners for such purpose. The special approval of the General Assembly is hereby given to the levy of such special tax.

"131-33.4. Any election held on the question of converting a county tuberculosis hospital as hereinabove authorized, or for levying any such special tax shall be held in accordance with the applicable provisions of Chapter 163 of the General Statutes; provided, however, that the board of commissioners shall prepare a statement showing the number of votes cast for and against any such question submitted and the number of voters qualified to vote in any such election, and declaring the result of the election, which statement shall be signed by a majority of the members of the board of commissioners and delivered to the clerk, who shall record it in the minutes of the board, and file the original in his office and publish it once. No right of action or defense founded upon the invalidity of any such election shall be asserted, nor shall the validity of the election be open to question in any court upon any ground whatever, except in any action or proceeding commenced within thirty days after the publication of such statement or result.

"131-33.5. Subject to the approval by the vote of a majority of the qualified voters of any county who shall vote thereon at any general or special election called for such purpose the board of commissioners of any county converting its tuberculosis hospital as herein provided is hereby authorized and empowered to issue bonds of the county then or at any time thereafter for the purpose of erecting additional buildings or facilities, improving, remodeling or enlarging existing buildings and facilities, and acquring necessary land and equipment, and to levy property taxes for the payment of such bonds and the interest thereon, and the special approval of the General Assembly is hereby given to the issuance of such bonds and the levy of such taxes. Any bonds so voted and any bond anticipation notes that may be issued to anticipate the receipt of the proceeds of such bonds shall be issued in accordance with the provisions of The County Finance Act, as amended, and the Local Government Act, as amended. The question of approving such conversion, the question of levying a special tax for operation, maintenance and capital improvements, and the question of issuing bonds under the provisions of this Article may be submitted at the same election; provided, however, that no such special tax shall be levied nor any such bonds or notes issued unless such conversion is approved by the voters.

"131-33.6. If the conversion of a county tuberculosis hospital is approved by the voters, the board of commissioners of such county shall, by a majority vote, elect a board of managers of the converted hospital or facility as provided in Section 131-31 of the General Statutes for the election of boards of managers for county tuberculosis hospitals, and such board of managers shall serve for the terms and receive such compensation as is provided in said Section of the General Statutes, and shall have all of the powers and duties and be subject to all of the limitations, to the extent applicable, contained in this Article for boards of managers of county tuberculosis hospitals; provided, however, that all property, both real and personal, pertaining to any such hospital shall be vested in the county in which the converted hospital or facility is located.

"131-33.7. The powers granted by Sections 131-33.2 to 131-33.6, inclusive, are in addition to and not in substitution for any other powers heretofore or hereafter granted to counties for the conversion of county tuberculosis hospitals to any other purposes."

Sec. 2. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 706 **CHAPTER 624**

AN ACT TO AMEND G. S. 135-5 RELATING TO DISABILITY RETIREMENT ALLOWANCES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (d) of G. S. 135-5 is hereby amended:

(a) By striking out the word "sixty" in line 2 and in line 3 of paragraph (2) and inserting in each line in lieu thereof the word "sixty-five";

(b) By striking out the semicolon and the word "and" in line 4 of paragraph (2) and inserting in lieu thereof a period;

(c) By striking out all of paragraph (3); and

(d) By adding at the end of said subsection a new unnumbered paragraph, to read as follows:

"If the member has not less than twenty years of creditable service, he shall be entitled to a total retirement allowance of not less than seventy dollars ($70.00) per month; provided, that the computation shall be made prior to any reduction resulting from an optional allowance as provided by subsection (g) of this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 786 **CHAPTER 625**

AN ACT AMENDING SUBSECTION 43 OF G. S. 153-9 RELATING TO TAX LEVIES FOR CERTAIN SPECIAL PURPOSES SO AS TO MAKE THE SAME APPLICABLE TO HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That subsection 43 of Section 153-9, as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, be and the same is hereby amended by inserting the word "Henderson" between the words "Haywood" and "Hertford" in line 3 of the last paragraph thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 787 **CHAPTER 626**

AN ACT REWRITING SECTION 1 OF CHAPTER 173, PRIVATE LAWS OF 1925, RELATING TO THE APPOINTMENT OF THE MEMBERS OF THE WADESBORO CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 173, Private Laws of 1925, be and the same is hereby rewritten to read as follows:

"Section 1. That the Wadesboro City Board of Education shall consist of seven members to be selected as follows:

"Three members of said city board of education shall be appointed by the Anson County Board of Commissioners and four members shall be appointed by the governing body of the City of Wadesboro. Prior to July 1, 1959 the Anson County Board of Commissioners shall appoint three members of said city board of education for terms of one year each, beginning on July 1, 1959. Prior to July 1, 1959 the governing body of the City of Wadesboro shall appoint four members of the Wadesboro City Board of Education for two-year terms beginning on July 1, 1959. Thereafter the successors to all members of said city board of education shall be appointed for terms of two years each.

"All members of said city board of education shall be qualified voters of the Wadesboro City Administrative School Unit. Vacancies on said board of education shall be filled for the remainder of the unexpired term by appointment of the remaining members of said board of education. Failure on the part of the governing body of the City of Wadesboro or of the Anson County Board of Commissioners to notify the chairman of the Wadesboro City Board of Education of new appointments prior to July 1 of the year in which the term of any member expires, shall be conclusive evidence of the fact that a member of said board whose term is expiring, has been reappointed to membership on said board of education."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 790 **CHAPTER 627**

AN ACT AMENDING G. S. 143-135 RELATING TO THE LETTING OF CONTRACTS BY THE ASHE COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 143-135 be and the same is hereby amended by adding at the end thereof the following:

"The provisions of this Article shall not apply to the Ashe County Board of Education in the expenditure of public funds when the total costs of any repairs, completed project, building or structure shall not exceed

the sum of forty-five thousand dollars ($45,000), if the repairs, completed project, building or structure are performed or accomplished by or through duly elected officers or agents of said Board of Education."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 807 CHAPTER 628

AN ACT TO AUTHORIZE THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS TO CALL AN ELECTION ON THE QUESTION OF LEVYING A TAX FOR THE OPERATION OF A RECREATIONAL CENTER IN SEVENTY-FIRST TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Cumberland County shall order the County Board of Elections to hold a special election to be held on a date to be fixed by the Board of Elections, for the purpose of submitting to the qualified voters of Seventy-First Township, the question of levying a special annual tax of not more than five cents (5¢) on the one hundred dollars ($100.00) valuation of taxable real and personal property, for the operation and maintenance of a park and recreational system in said township. A registrar and two judges of election for each precinct shall be appointed by the Board of Elections at the time of ordering the same, and the registration books shall be open and the election held under the rules and regulations provided by law for the election of members of the General Assembly, except as otherwise specified and provided in this Act.

Sec. 2. Said board shall cause publication of the time, place and object of said election to be made for thirty (30) days prior to the opening of the books for registration in a newspaper having a general circulation in Cumberland County.

Sec. 3. At said election those favoring the levying of said special tax shall vote a ballot on which shall be printed the words "For Parks and Recreation Tax" and those opposed shall vote a ballot on which shall be printed the words "Against Parks and Recreation Tax".

Sec. 4. On the day following the election the registrars and judges shall make return of the same to the Board of Election, who shall canvass and declare and record the vote, and if it shall be found that a majority of qualified voters have voted "For Parks and Recreation Tax", the board of county commissioners shall, at the time of levying other taxes, levy a tax not exceeding five cents (5¢) on the one hundred dollars (100.00) valuation of taxable real and personal property in said township for the aforesaid purpose, which tax shall be collected as other taxes, and shall be used for the purposes hereafter stated.

Sec. 5. If the majority of the qualified voters voting in said election favor the levying of such a tax, then, and in that event, there shall be created a commission to be known as the Recreation and Park Commission of Seventy-First Township; such commission shall be composed of nine directors, to be selected by a majority vote of those present at a public meeting to be held for the purpose of selecting said directors. The notice of said meeting for the purpose of selecting the nine directors shall be published in a newspaper with general circulation in Cumberland County. The said notice shall appear at least twice in said newspaper and shall contain the time, place, manner and purpose for which said meeting is called. The meeting for the selection of the nine directors shall be open to all registered voters of said township who were qualified to vote in the election provided for in this Act. At said meeting the three candidates receiving the highest number of votes shall serve for terms of three years; the three candidates receiving the next highest number of votes shall serve for terms of two years; and the three candidates receiving the next highest number of votes shall serve for one year. Thereafter, as their terms of office expire their successors shall be elected for terms of three years, and shall serve until their successors are elected and qualified. After the members of the board of directors shall have been selected and at the time of holding their first meeting, they shall, by a majority vote, name and select, from their own membership, a chairman, a vice-chairman, a secretary and treasurer, and shall adopt bylaws and procedural rules and policies. The board member who shall be named treasurer shall have supervision of all funds administered by the board of directors in any way whatsoever; shall sign and countersign all checks, drafts, bills of exchange, or any and all negotiable instruments which shall properly be issued under his supervision, and shall furnish such surety bond as shall be designated by the Board of Commissioners of Cumberland County.

Sec. 6. The powers and duties of said board of directors shall be to control, manage, operate and superintend all properties which shall come into its hands in such manner as it may deem best for the preservation and improvement of the same and for the benefit and accommodations of the residents of said township; to prescribe and enforce rules and regulations pertaining to the use of the aforesaid park and recreational facilities and properties by the residents of said township, and others, and to fix, determine, collect and receive such dues, charges and fees for the use of such facilities and properties by the residents of said township and others, as it may deem best for the proper preservation, improvement and maintenance of the same; to acquire, on behalf of the township, for the recreational purpose herein contemplated and none other, by purchase, lease, gift or otherwise, and hold, manage, control and operate as above stated any and all properties, real and/or personal, that may be necessary or convenient to the preservation improvement and/or expansion of the said park and recreational facilities and properties, and to do and perform any and all other acts and things necessary or convenient to the accomplishment of the foregoing purposes.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

S. B. 224 CHAPTER 629

AN ACT TO AMEND THE NEXT TO THE LAST PARAGRAPH OF G. S. 95-17, RELATING TO THE NUMBER OF DAYS THAT A MALE PERSON MAY BE EMPLOYED IN ANY PERIOD OF FOURTEEN CONSECUTIVE DAYS, FOR THE PURPOSE OF CLARIFYING SAID SECTION AND TO BRING SAID SECTION INTO CONFORMITY AND COMPLIANCE WITH THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. The next to the last paragraph of G. S. 95-17 is hereby amended by inserting the following words, immediately after the word "hours", and immediately preceding the word "provided", in line 15 of said next to the last paragraph, as the same appears in the 1958 Replacement Volume for Volume 2C of the General Statutes of North Carolina:

"and the number of days in any period of 14 consecutive days".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

S. B. 289 CHAPTER 630

AN ACT TO AMEND CHAPTER 1131 OF THE SESSION LAWS OF 1951 RELATING TO HEALTH AND THE PRACTICE OF PHYSICAL THERAPY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1131 of the Session Laws of 1951 is hereby amended as follows:

(1) Section 3 of said Act is hereby amended by striking out line three which constitutes paragraph (a) thereof, and by redesignating paragraphs (b), (c) and (d) to be paragraphs (a), (b), and (c).

(2) Section 6 of said Act is hereby amended by striking out the comma immediately following the word "Act" in line five, inserting a period in lieu thereof, and by striking out the remainder of the sentence and all of the next succeeding sentence.

(3) Said Act is hereby further amended by adding a new Section immediately following Section 6, to be designated as Section 6½, and to read as follows:

"Sec. 6½. (a) Physical therapists, including foreign-trained physical therapists, who are graduate students in special physical therapy courses receiving a small stipend rather than the usual staff salary for practicing their profession as part of their training, shall not be required to register as physical therapists in North Carolina. Any such physical therapist shall furnish sufficient information to the State Examining Committee for it to determine such person's status. At the end of one year, should the student wish to continue his education in this State, he must apply to the North Carolina State Examining Committee for evaluation of his status as of that time.

"(b) A temporary certificate of registration, limited to six months, may be issued to a foreign-trained physical therapist who (1) makes the usual application for registration, (2) holds a diploma from an approved school of physical therapy in his own country, (3) is a member of a professional association belonging to World Confederation of Physical Therapists whose credentials are acceptable to the American Physical Therapy Association and to the North Carolina State Examining Committee of Physical Therapists, and (4) pays the required North Carolina registration fee.

(c) A regular certificate of registration may be issued to a foreign-trained physical therapist who fulfills the above requirements in paragraph "b" of this Section and who passes the next North Carolina State examination for registration or who has passed the American Physical Therapy Association's examination for foreign-trained physical therapists."

(4) Section 7 of said Act is hereby amended by rewriting the last sentence thereof to read as follows:

"The examining committee shall revive and extend a lapsed registration on the payment of current fees provided the requirements for securing an original certificate have not been changed so as to have become more stringent than the requirements at the time the certificate lapsed, but the examining committee may refuse to grant any such extension on the same grounds as are set forth in Section 8 of this Act for refusing to grant or for revoking the registration of a physical therapist."

(5) Section 8 of said Act is hereby amended by adding the following paragraph at the end thereof:

"The procedure for revocation shall be that set forth in Chapter 150 of the General Statutes relating to uniform revocation of licenses."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

S. B. 290 **CHAPTER 631**

AN ACT TO AMEND G. S. 160-272 RELATING TO PLEADING MUNICIPAL ORDINANCES IN JUDICIAL PROCEEDINGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-272 is amended by inserting after the word "city", in line 5, and before the word "shall", in line 6, the words "or copies of such ordinances duly certified by the city or town clerk or mayor under the official seal of such city or town".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 775 **CHAPTER 632**

AN ACT TO PROVIDE THAT VACANCIES OCCURRING IN COUNTY ELECTIVE OFFICES SHALL BE FILLED BY THE DEMOCRATIC EXECUTIVE COMMITTEE OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In case of a vacancy occurring in any of the county elective offices held by a member of the Democratic Party in Watauga County, except that of the Clerk of the Superior Court of said county, the Democratic Executive Committee of Watauga County shall appoint to said office some person for the unexpired term.

Sec. 2. All laws of the State relating to the filling of vacancies in county elective offices, except that of the Clerk of the Superior Court, by other persons or groups of persons are hereby modified to the extent that they shall not apply to Watauga County.

Sec. 3. This Act shall apply only to Watauga County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 829 **CHAPTER 633**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CASWELL COUNTY TO REGULATE THE OPERATION OF COMMERCIAL ESTABLISHMENTS WITHIN ONE-QUARTER MILE OF A CHURCH DURING CHURCH SERVICES ON SUNDAY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Caswell County is hereby authorized, in its discretion, whenever the same deems desirable,

to adopt a resolution or resolutions prohibiting the operation of any commercial enterprise or the keeping open of any business establishment on Sunday within one-quarter mile of any designated church in Caswell County during the time or one hour before or one hour after religious services are being held in said church.

Sec. 2. Upon the adoption of any such resolution, it shall be a misdemeanor to transact business or to keep open a business establishment contrary to the provisions of the resolution.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 835 CHAPTER 634

AN ACT TO AMEND CHAPTER 242 OF THE PUBLIC-LOCAL LAWS OF 1921 TO THE END THAT SPECIAL MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF MCDOWELL COUNTY, NORTH CAROLINA, SHALL BE AS PROVIDED UNDER G. S. 153-8.

The General Assembly of North Carolina do enact:

Section 1. By striking out Section 5 of Chapter 242 of the Public-Local Laws of 1921.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 852 CHAPTER 635

AN ACT TO EXTEND THE PLANNING AND ZONING POWERS OF THE TOWN OF TRYON AND ITS GOVERNING BODY TO THE TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE TOWN OF TRYON FOR A DISTANCE OF ONE MILE IN ALL DIRECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of promoting the orderly growth, expansion and development of the Town of Tryon and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals and general welfare of the citizens of the Town of Tryon and of the territory and community beyond and surrounding the corporate limits of the said municipality, as hereinafter defined, the Board of Commissioners of the Town of Tryon is hereby authorized and empowered to adopt such ordinances and regulations as may be considered necessary or

expedient by the said governing body to regulate, control and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, not only within the corporate limits of the Town of Tryon, but also, when specifically provided by the terms of any such ordinance, within the territory and community beyond and surrounding the corporate boundaries of the Town of Tryon as now or hereafter fixed, for a distance of one mile of and beyond such corporate boundaries in all directions; and within the aforesaid territory within and beyond the corporate boundaries, the Board of Commissioners of the Town of Tryon is hereby authorized and empowered to exercise any and all powers of planning and/or zoning conferred upon the Town of Tryon and vested in its governing body by the charter of the Town of Tryon, and/or the General Statutes of North Carolina, as amended from time to time, including but not being limited to the provisions of Article 14 of subchapter 1 of Chapter 160 of the General Statutes, and/or by any other statute applicable to the Town of Tryon, to the same extent and according to the same methods of procedure as applicable to planning and/or zoning within the corporate limits of the Town of Tryon.

Sec. 2. That at the time the Board of Commissioners of the Town of Tryon authorizes the Planning Board of the Town of Tryon to prepare a recommended zoning ordinance for the territory beyond the corporate limits for a distance of one mile in all derctions, the County Board of Commissioners of Polk County shall appoint three (3) residents of the territory beyond the corporate limits of the Town of Tryon and within one mile thereof to serve as members of the Town of Tryon's Planning Board in addition to the regularly appointed members. The additional members of the Planning Board so appointed who are residents of the territory beyond the corporate limits shall have equal rights and privileges with the other members of the Town of Tryon Planning Board in all matters pertaining to the zoning and planning of the territory surrounding and beyond the corporate limits of the Town of Tryon within a distance of one mile in all directions thereof.

Sec. 3. In the event that the Board of Commissioners of the Town of Tryon adopts zoning regulations for the area outside the corporate limits, it shall increase the membership of the Board of Adjustment by adding three (3) additional members. Such members shall be residents of the one mile area outside the corporate limits and shall be appointed by the Board of Commissioners of Polk County. Such members shall have equal rights, privileges, and duties with the other members of the Board of Adjustment in all matters pertaining to the regulation of such area. The concurring vote of six (6) members of such enlarged board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of an ordinance.

Sec. 4. The board of commissioners is further authorized in order to enforce properly the provisions of any planning or any zoning ordinances

that may be enacted affecting the area beyond the corporate limits as defined herein, to require that prior to the beginning of any construction, reconstruction or alteration of any building or structure, that a permit be obtained therefor from the Town of Tryon. The permit shall be issued if the proposed structure complies with such requirements as may have been adopted by the Board of Commissioners of the Town of Tryon for the area whereon the structure is to be situated.

Sec. 5. That the provisions of this Act shall apply only to the Town of Tryon and to the territory within the corporate limits of the Town of Tryon and that territory beyond and surrounding the corporate limits of the Town of Tryon for a distance of one mile beyond the same in all directions.

Sec. 6. The Board of Commissioners of the Town of Tryon shall enact no ordinance or ordinances under the provisions of this Act without first holding a public hearing.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 877 CHAPTER 636

AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO REQUIRE LIABILITY INSURANCE ON ALL TAXICABS OPERATING WITHIN THE CITY.

The General Assembly of North Carolina do enact:

Section 1. The City of Goldsboro is hereby expressly authorized and empowered to require the owner of every taxicab operating within the corporate limits of the city to obtain and keep in force liability insurance covering each taxicab so operating in such amount as the board of aldermen may deem proper, not to exceed the following limits:

a. Property Damage .....$ 5,000.00
b. Personal Injury (any one person) .....$ 50,000.00
c. Personal Injury (any one accident) $100,000.00

Proof of such insurance shall be filed with the City Clerk of the City of Goldsboro.

Sec. 2. Any owner may, in lieu of obtaining such liability insurance, post a bond with, and satisfactory to, the City Clerk and City Attorney of the City of Goldsboro, in such amount as would be required if an insurance policy was obtained.

Sec. 3. Any owner of any taxicab or taxicabs operating within the corporate limits without complying with the terms of any ordinance enacted by the board of aldermen under the authorization contained in this Act, shall have his taxicab franchise license forfeited.

Sec. 4. The board of aldermen may make such other rules and regulations as may be reasonably necessary to carry out the intent and purpose of this Act.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 883 CHAPTER 637

AN ACT VALIDATING STREET PAVING, SIDEWALK AND CURB AND GUTTER ASSESSMENTS HERETOFORE MADE BY THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

Section 1. All street paving, sidewalk and curb and gutter assessments made by the City of Rocky Mount on or prior to the date of enactment of this Act are hereby in all respects validated.

Sec. 2. The provisions of this Act shall not apply to or affect pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

H. B. 898 CHAPTER 638

AN ACT AMENDING CHAPTER 1110, SESSION LAWS OF 1949 TO PROVIDE FOR AN ADDITIONAL MEMBER OF THE TRANSYLVANIA COUNTY HISTORICAL COMMISSION TO BE APPOINTED BY THE TRANSYLVANIA COUNTY HISTORICAL ASSOCIATION; TO PROVIDE THAT THE MEMBERS OF SAID COMMISSION MAY APPOINT PROXIES TO REPRESENT THEM AT MEETINGS AND TO AUTHORIZE THE APPOINTMENT OF A CURATOR.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 1110, Session Laws of 1949, be and the same is hereby amended by striking out the word "nine" appearing in line 3 of said Section and substituting in lieu thereof the word "ten".

That Section 1 of Chapter 1110, Session Laws of 1949, be and the same is hereby further amended by inserting after the semicolon following the words "Foreign Wars" in line 11 of the second paragraph thereof the words "one member to be chosen by the Transylvania County Historical Association".

Sec. 2. That Section 2 of Chapter 1110, Session Laws of 1949, be and the same is hereby amended by adding at the end thereof a new paragraph to be designated (f) and reading as follows:

"(f) To appoint a curator to keep the records of said organization and perform such other duties as may be designated by the Commission, and to

fix his compensation. Each member of the Commission is authorized to appoint in writing a proxy to represent him at the meetings of the Commission, such appointments to be recorded in the minutes of the Commission."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1959.

S. B. 45 CHAPTER 639

AN ACT TO AMEND CHAPTER 62 OF THE GENERAL STATUTES RELATING TO PUBLIC UTILITIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-26.6, as the same appears in the 1957 Cumulative Supplement to Volume 2B of the General Statutes, is hereby amended by inserting immediately following the word "days" and immediately preceding the word "transmit" in line ten thereof, the following: "after the filing of notice of appeal and exceptions to the final order or within thirty (30) days after any order which may be issued finally determining the exceptions to the final order, whichever is later,".

Sec. 2. G. S. 62-18 is hereby amended by inserting the following new sentence immediately following the fifth sentence thereof: "Any party introducing any document or record in evidence by reference shall bear the expense of all copies required for the record in the event of an appeal from the Commission's order."

Sec. 3. G. S. 62-26.1 is hereby amended by striking out the following words and punctuation in lines two and three thereof: ", by written order of the Commission,".

Sec. 4. G. S. 62-26.3 is hereby amended by striking out the words "ten days from the receipt by such party" in lines ten and eleven and by substituting in lieu thereof the words "fifteen days from the date".

Sec. 5. G. S. 62-121.32 (2) is hereby amended by striking out the word "three" immediately preceding the word "months" and immediately following the word "within" in line four thereof and by substituting in lieu thereof the word "four".

Sec. 6. G. S. 62-121.67 (2) is hereby amended by striking out the word "three" immediately preceding the word "months" and immediately following the word "within" in line four thereof and by substituting in lieu thereof the word "four".

Sec. 7. G. S. 62-34 is hereby amended by adding at the end thereof the following: "The Commission may issue an order, without notice or hearing, cancelling or suspending any certificate of convenience and necessity thirty (30) days after the date of service of such order for failing to

file the required annual report at the time it was due. In the event the report is filed during the thirty (30)-day period, the order of cancellation or suspension shall be null and void."

Sec. 8. G. S. 62-79 is hereby amended by adding at the end thereof the following: "The Commission may issue an order, without notice or hearing, cancelling or suspending any certificate of convenience and necessity thirty (30) days after the date of service of such order for failing to file the required annual report at the time it was due. In the event the report is filed during the thirty (30)-day period, the order of cancellation or suspension shall be null and void."

Sec. 9. G. S. 62-121.32 (2) is hereby amended by adding at the end thereof the following: "The Commission may issue an order, without notice or hearing, cancelling or suspending any certificate of convenience and necessity thirty (30) days after the date of service of such order for failing to file the required annual report at the time it was due. In the event the report is filed during the thirty (30)-day period, the order of cancellation or suspension shall be null and void."

Sec. 10. G. S. 62-121.67 (2) is hereby amended by adding at the end thereof the following: "The Commission may issue an order, upon ten (10) days' notice by registered mail, cancelling or suspending any certificate of convenience and necessity thirty (30) days after the date of service of such order for failing to file the required annual report at the time it was due. In the event the report is filed during the thirty (30)-day period, the order of cancellation or suspension shall be null and void."

Sec. 11. G. S. 62-121.15 (3) is hereby amended by striking out the second sentence thereof and substituting in lieu thereof the following: "The Commission shall prepare a calendar from time to time containing notice of such hearings. This calendar shall be mailed to the applicant. It shall also be mailed to any other carrier, organization of carriers or other persons who desire to receive notice of such hearings upon payment of an annual fee of five dollars ($5.00). The person or group who pays this fee shall receive all calendars of hearings for a period of one (1) year beginning on July 1st."

Sec. 12. G. S. 62-30 (3) is hereby amended by adding the following at the end thereof: "The Commission shall not have jurisdiction over water companies whose sole operation consists of selling water to less than twenty-five (25) residential customers."

Sec. 13. G. S. 62-65 (e) (2) is hereby amended by inserting immediately following the word "compensation" and immediately preceding the semicolon at the end thereof the following: "provided, however, that the term 'public utility' shall not include any person or company whose sole operation consists of selling water to less than twenty-five (25) residential customers;".

Sec. 14. That portion of G. S. 62-121.47 (1) (b) appearing before the semicolon in line four thereof is hereby rewritten to read as follows: "transportation of passengers by taxicabs when not carrying more than six (6) passengers or transportation by other motor vehicle performing bona fide taxicab service and not carrying more than six (6) passengers

in a single vehicle at the same time when such taxicab or other vehicle performing bona fide taxicab service is not operated on a regular route or between fixed termini;".

Sec. 15. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 16. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 27th day of May, 1959.

S. B. 263 CHAPTER 640

AN ACT TO REGULATE THE SPEED OF MOTOR VEHICLES ON THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-141 of the General Statutes as appears in Volume 1C (Recompiled 1953) of the General Statutes by adding a new subsection thereto following subsection (h1) and which shall be designated as subsection (h2) and shall read as follows:

"On those highways which are or may become a part of the National System of Interstate and Defense Highways, it shall be unlawful to operate a motor vehicle in excess of a speed of 60 miles per hour or to operate a vehicle on the main-traveled lanes of said system of highways at a speed of less than 35 miles per hour. The provisions of this subsection shall not be subject to modification by local authorities; however, whenever the State Highway Commission shall determine upon the basis of an engineering and traffic investigation that the maximum speed provided herein is greater than is reasonable or safe under the conditions found to exist upon any portion of said system of highways, or that the minimum speed provided herein impedes the normal and reasonable movement of traffic on said system of highways, said Commission shall determine and declare a reasonable and safe speed limit, which shall be effective when appropriate signs giving notice thereof are erected. Provided, however, that no person shall drive a vehicle on any highway which is a part of said National System of Interstate and Defense Highways at a speed greater than is reasonable and prudent under the conditions then existing."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified this the 27th day of May, 1959.

S. B. 334 CHAPTER 641

AN ACT TO AMEND G. S. 157-3(2) RELATING TO THE DEFINITION OF THE WORD "CITY" IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 157-3(2) is hereby rewritten to read as follows:

"(2) 'City' shall mean any city or town having a population of more than five thousand (5,000) inhabitants according to the last Federal census or any revision or amendment thereto; provided, that in Cherokee, Clay, Graham, Haywood, Macon, Swain and Transylvania Counties, 'city' shall mean any city or town having a population of more than five hundred (500) inhabitants according to the last Federal census or any revision or amendment thereto."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 27th day of May, 1959.

H. B. 590 CHAPTER 642

AN ACT CREATING THE RESEARCH TRIANGLE REGIONAL PLANNING COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Research Triangle Regional Planning Commission Created. There is hereby created the Research Triangle Regional Planning Commission. The Commission shall have the duty of studying total development in the counties surrounding the Research Triangle Park, to prepare, in collaboration with counties and municipalities in the area, plans which will promote the orderly and economical development of the area, to submit such plans to county, municipal, State and Federal agencies having jurisdiction in the area, and to encourage the execution of such plans.

Sec. 2. Membership; Terms. (a) The Counties of Wake, Durham and Orange and the Cities of Durham, Raleigh and Chapel Hill shall have membership on the Planning Commission, as set forth in this Section.

The Board of County Commissioners of the Counties of Durham, Orange, and Wake shall appoint one member each to the Planning Commission and the governing boards of the Cities of Chapel Hill, Durham and Raleigh shall appoint one member each to the Commission. In addition, the Chairman of the Board of County Commissioners of the Counties of Durham, Orange, and Wake, and the Mayors of the Cities of Chapel Hill, Durham, and Raleigh shall serve as members of the Commission in addition to their other duties. If any chairman or a mayor is, for some reason, unable to serve, he may designate another member of his governing board, or the county or city manager, or the chairman of the county or city

planning commission or other county or city official to serve in his stead. Service on the Research Triangle Regional Planning Commission shall be in addition to such official's normal duties.

In making initial appointments, the Board of County Commissioners of Durham, Orange, and Wake Counties shall appoint their members for four-year terms and the governing boards of Chapel Hill, Durham, and Raleigh shall appoint their members for two-year terms. Thereafter, all appointments to the Commission by any county or city governing board shall be for a term of four years, except that the appropriate governing board may fill any vacancy occuring during the term for the period of the unexpired term. Initial terms of office shall be effective on July 1 of 1959.

The Governor of North Carolina shall appoint three members, each for a four-year term, to the Research Triangle Regional Planning Commission. Such members appointed by the Governor shall be residents of the three-county area, one from each county, who have an interest in the planning and development of the three-county area.

(b) Members of the Research Triangle Regional Planning Commission shall serve without compensation, except that they shall be entitled to reimbursement of necessary traveling and other expenses while engaged in the work of or for the Commission. The Commission shall fix the amount of reimbursement for ordinary traveling expenses.

Sec. 3. Organization of the Commission. (a) On or before July 1, 1959, each city and county having representation on the Planning Commission shall make its appointments and shall report its appointments to the Governor of North Carolina. As soon as possible following July 1, 1959, the Governor of North Carolina shall call a meeting of the Research Triangle Regional Planning Commission in the City of Raleigh for the purpose of organization. The Commission shall elect from among its members a chairman and such other officers as it may deem necessary, for such terms as it may prescribe in its rules and regulations. The Commission may adopt such rules and regulations not inconsistent with this Act as it may deem necessary for the proper discharge of its duties. The chairman may appoint an executive committee which shall be authorized to exercise such powers and duties as the Commission shall delegate to it, and he may appoint such other committees as the work of the Commission may require.

(b) The Commission shall hold regular meetings at places and dates to be determined by the Commission, but in any event the Commission shall meet at least once every three months. Special meetings may be called by the chairman on his own initiative and must be called by him at the request of three or more members of the Commission. All members of the Commission shall be notified by the chairman in writing of the time and place of special meetings at least seven days in advance of such meetings. All meetings shall be open to the public.

(c) The Commission shall have the power: (1) to employ a planning director and such other employees and staff as may be necessary for performance of its duties; (2) to fix the compensation and regulations affecting the working conditions of its employees; (3) to contract with persons, firms or corporations for special and technical services; (4) to contract

with the State of North Carolina or the Federal Government, or any agency or department thereof, or any city or county, or any agency or department thereof, for such services which may be available from such agencies, and to carry out the provisions of such contracts.

(d) The Research Triangle Regional Planning Commission shall have the power to establish its headquarters at any place within the Counties of Wake, Durham or Orange which shall be found by the Commission to be the most convenient for the performance of its duties.

(e) The Commission may accept, receive and disburse in the performance of its functions any funds, grants and services made available by the Federal Government and any of its agencies, the State Government and any of its agencies, any municipalities or counties, and any private or civic sources.

Each county and municipality having membership on the Research Triangle Regional Planning Commission shall have authority to appropriate funds to the Commission out of surplus funds or funds derived from nontax sources and, in addition, may levy annually taxes for the payment of such appropriation as a special purpose in addition to any allowed by the Constitution.

Upon notification of appropriations which can be expected from each county and municipality holding membership on the Commission, the Commission shall prepare a budget for the fiscal year beginning on July 1, 1959. Copies of such budget shall be distributed to member counties and municipalities. The budget may be amended from time to time during the year by a vote of a majority of all the members of the Commission.

In 1960 and thereafter, the Commission shall distribute a tentative budget during the month of May to determine the willingness of each member county or municipality to contribute to the work of the Commission. A final budget shall be prepared in June of each year based on the appropriations to be expected from member counties and municipalities.

The Commission shall prepare an annual report of its activities, including a properly audited financial statement, and shall distribute this report to all member counties and municipalities during the month of April.

(f) The Research Triangle Regional Planning Commission shall appoint one of its members as treasurer with authority to collect, deposit, and disburse funds made available to the Commission from any source whatsoever. The treasurer of the Commission shall, before entering upon his duties, post a surety bond conditioned upon the faithful discharge of his duties in an amount and form fixed by the Commission. All monies received for the Commission shall be deposited into a separate bank account, shall be earmarked for the use of the Commission, and shall be paid out on warrants signed by the treasurer and countersigned by the chairman of the Commission: Provided, the countersigning officer shall countersign such warrants only when they are within the amount of appropriations made according to the budget of the Commission.

Sec. 4. Powers and Duties. The Research Triangle Regional Planning Commission shall have authority to: (a) prepare and from time to time revise, amend, extend or add to a plan or plans for the development of the

three-county area. Such plans shall be based on studies of physical, social, economic and governmental conditions and trends and shall aim at the coordinated development of the three-county area in order to promote the general welfare and prosperity of its people. In preparing such plans, the Commission shall take account of, and shall seek to harmonize, the planning activities of Federal, State, county, municipal, or other local or private agencies within the area. Plans embodying the policy recommendations of the Commission in regard to the development of the region may contain:

(1) A statement of the objectives, standards and principles which underlie each plan or plans submitted by the Commission.

(2) Recommendations for the most desirable pattern of land use within the three-county area in the light of the best available information concerning topography, climate, soil and underground conditions, water courses and bodies of water, other natural and environmental factors, the present and prospective economic bases of the region, trends of industrial and commercial development, trends in population growth, the habits and standards of life of the people of the area, and the relation of land use within the area to land use in adjoining areas. Such recommendation shall, insofar as appropriate, indicate areas for recommended residential uses and maximum recommended densities therein; areas for manufacturing and industrial uses with classification of such areas in accordance with their compatibility with land use in adjoining areas; areas for the concentration of wholesale, retail, and other commercial uses; areas for recreational uses and for open spaces; and for areas for mixed uses.

(3) The transportation pattern recommended for the region, including routes and terminals for transit, transportation and communications facilities, whether to be used for movement within the area or adjoining areas.

(4) Recommendations concerning the need for, and the proposed general location of, public and private works and facilities, such as utilities, water reservoirs and water pollution control facilities, flood control works, military or defense installations, which works or facilities for any cause are appropriate subjects for inclusion in the regional development plan.

(5) Such other recommendations concerning current and impending problems affecting the development of the region, and particularly of the area adjacent to the Research Triangle Park, as the Commission deems appropriate, including recommendations concerning economic development, housing, local government organization and services, and education.

(b) Cooperate with and provide planning assistance to counties, municipalities, and other local governmental instrumentalities and planning agencies in the three-county area. Such planning assistance shall include but not be limited to surveys, land use studies, urban renewal plans, technical services and other planning assistance. Whenever cooperation and assistance includes the rendering of technical services, such services may be rendered free or in accordance with an agreement for reimbursement.

(c) Provide information to officials of departments, agencies and instrumentalities of State and local government, and to the public at large, in order to foster public awareness and understanding of the objectives of

the Commission's plans, and in order to stimulate public interest and participation in the orderly development of the area.

(d) Hold public or private hearings and sponsor public meetings in any part of this area whenever it deems such hearings or meetings necessary or useful in the execution of its functions.

(e) Exercise all other powers necessary and proper for the discharge of its duties.

Sec. 5. Specific Studies. The Research Triangle Regional Planning Commission shall, as soon as possible following its organization, make specific studies of the need for regional water supply facilities, regional water pollution control facilities, regional recreation and open space facilities, and other governmental facilities and services which may be effectively and economically provided on a regional basis. If the Commission finds that there is a need for such regional facilities for the the better development of the three-county area, it shall make recommendations to member counties and municipalities concerning the planning, financing, governing, construction, and operation of such facilities. Such recommendations shall be prepared biennially and submitted to the governing boards of member counties and municipalities on or before December 1 of even-numbered years.

Sec. 6. Cooperation with Local Governments and Planning Agencies. The Research Triangle Regional Planning Commission shall on the basis of its plans submit, from time to time, its suggestions to member counties and municipalities for changes in county or municipal financial or development policies and ordinances which would, in the opinion of the Commission, produce sound development in the three-county area.

Sec. 7. Cooperation from Local Governments and Planning Agencies. To facilitate effective planning for the three-county area, all county and municipal legislative bodies in the region, and all county and municipal or other local planning agencies in the region, may file with the Commission for its information all county and municipal plans, zoning ordinances, official maps, building codes, subdivision regulations, amendments or revisions of any of them, as well as copies of the regular and special reports dealing wholly or in part with planning matters. County or municipal legislative bodies, and county or municipal or other local planning agencies, may also submit proposed plans, ordinances, maps, codes, regulations, amendments or revisions prior to their adoption in order to afford an opportunity to the Commission or its staff to study such proposals and render its advice thereon.

Sec. 8. Advisory Committees. The Research Triangle Regional Planning Commission shall have power and authority to appoint advisory committees from among the citizens and city and county officials of the three-county area to study any problems or to advise on any problems submitted to such committees by the Commission. The Commission shall have the power in its discretion, to provide for reimbursement of travel expenses incurred by members of such committees in work requested by the Commission.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1959.

H. B. 791

CHAPTER 643

AN ACT TO AMEND CHAPTER 128, PRIVATE LAWS OF 1883 TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF RICH SQUARE IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 128, Private Laws of 1883 is hereby amended by striking from said Section all of that Section which appears after the words "Rich Square" beginning in line 3 of said Section, and substituting in lieu thereof the following:

"and the corporate limits of the Town of Rich Square shall be as follows:

"BEGINNING at a concrete monument on the West sid of the highway leading from Rich Square to Jackson, the said monument being one mile northwesterly from the center point of the intersection of U. S. Highway No. 258 and N. C. Highway No. 305; thence North 46 degrees East and following a 1 degree 05 minute curve easterly along a radius of 5280 feet from the said center point, encircling the town with a complete circle, the circumference being one mile at all points from the said center point, passing along certain monuments that are shown and designated on the corporate map of the town, the said map bearing the date of March, 1959, to the point of BEGINNING."

Sec. 2. Chapter 98, Private Laws of 1921, Chapter 120, Private Laws of 1935, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1959.

H. B. 851

CHAPTER 644

AN ACT RELATING TO THE APPOINTMENT OF JURY COMMISSIONERS IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The terms of office of the members of the Jackson County Jury Commission now holding office by appointment under authority of Section 8 of Chapter 202 of the Public-Local Laws of 1929, as amended, shall expire as of twelve o'clock midnight on June 30, 1959.

On or before the 15th day of June, 1959, and biennially thereafter, the Executive Committees of the Democratic and Republican Parties shall each submit the names of three qualified persons to the Resident Judge of the Thirtieth Judicial District, or to the resident judge of the judicial district of which Jackson County is then a part, and from the list of names submitted the resident judge shall appoint three qualified persons as members of the Jackson County Jury Commission. The first three members so appointed shall take office as of July 1, 1959, and shall serve for terms of two years each and until their successors are appointed and qualified. Thereafter, as the terms of office of the members expire, their successors shall be appointed by the resident judge from the list of names submitted biennially to him by the Executive Committees as herein provided, and shall serve for two years each and until their successors are appointed and qualified.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1959.

S. B. 39 CHAPTER 645

AN ACT TO AUTHORIZE THE COUNTY OF HALIFAX TO LEASE THE HALIFAX COUNTY AIRPORT TO THE CITY OF ROANOKE RAPIDS.

WHEREAS, the County of Halifax is the owner of the Halifax County Airport which is located near the City of Roanoke Rapids, North Carolina; and

WHEREAS, said airport is no longer adequate to meet the needs of the County of Halifax and the City of Roanoke Rapids; and

WHEREAS, the City of Roanoke Rapids proposes improving and modernizing said airport to make it adequate for said needs, provided the County of Halifax will lease it to said city for a period of ninety-nine (99) years at a rental of one dollar ($1.00) per year; and

WHEREAS, the people of Halifax County will materially benefit from the proposed improving and modernizing of said airport; and

WHEREAS, the County of Halifax desires to lease said airport to said city as aforesaid so that said improvements and modernization will be made: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Halifax County are hereby authorized to lease the Halifax County Airport to the City of Roanoke Rapids for a period of ninety-nine (99) years at a rental of one dollar ($1.00) per year, said lease to provide that said airport shall continue as a public airport, shall be properly maintained during the term of said lease by said city and that said city shall complete said proposed

improvements and modernization within a reasonable time. The said lease shall also provide that the name of the airport shall remain "Halifax County Airport". The said lease shall further provide that in the event the City of Roanoke Rapids should fail to properly maintain said airport or fail to make the proposed improvements and modernization thereto, then and in that event, the lease shall terminate and the property shall revert to Halifax County.

Sec. 2. That the public benefit to the people of Halifax County from said improvements and modernization of said airport by said city shall be deemed to be a sufficient consideration for the said lease to be executed pursuant to this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

S. B. 107 CHAPTER 646

AN ACT TO MAKE CERTAIN SACRED AND/OR MORAL COMMUNICATIONS CONFIDENTIAL.

The General Assembly of North Carolina do enact:

Section 1. Chapter 8 of the General Statutes is hereby amended by adding following G. S. 8-53 a new Section to be numbered G. S. 8-53.1 and to read as follows:

"§8-53.1. Communications Between Clergymen and Communicants. No clergyman, ordained minister, priest or rabbi of an established church or religious organization shall be required to testify in any action, suit or proceeding, concerning any information which may have been confidentially communicated to him in his professional capacity under such circumstances that to disclose the information would violate a sacred or moral trust, when the giving of such testimony is objected to by the communicant; provided, that the presiding judge in any trial may compel such disclosure if in his opinion the same is necessary to a proper administration of justice."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

S. B. 261 **CHAPTER 647**

AN ACT TO PROTECT AND REGULATE THE USE OF THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

The General Assembly of North Carolina do enact:

Section 1. Amend Article 6D of Chapter 136 of the General Statutes as the same appears in Volume 3B (Replacement 1958) of the General Statutes by adding at the end thereof a new Section which shall be designated as Section 136-89.58, and shall read as follows:

"G. S. 136-89.58. Unlawful Use of National System of Interstate and Defense Highways. On those sections of highways which are or become a part of the National System of Interstate and Defense Highways it shall be unlawful for any person:

1. To drive a vehicle over, upon or across any curb, central dividing section or other separation or dividing line on said highways.

2. To make a left turn or a semi-circular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line on said highways.

3. To drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line on said highways.

4. To drive any vehicle into the main traveled lanes or lanes of connecting ramps or interchanges except through an opening or connection provided for that purpose by the State Highway Commission.

5. To stop, park, or leave standing any vehicle, whether attended or unattended, on any part or portion of the right of way of said highways, except in the case of an emergency or as directed by a peace officer, or as designated parking areas.

6. To willfully damage, remove, climb, cross or breach any fence erected within the rights of way of said highways.

"Any person who violates any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not in excess of one hundred dollars ($100.00) or by imprisonment not in excess of sixty (60) days, or by both such fine and imprisonment, in the discretion of the courts."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

S. B. 319 **CHAPTER 648**

AN ACT TO AMEND CHAPTER 264 OF PUBLIC-LOCAL LAWS OF 1937 RELATING TO THE COLLECTION OF TAXES BY CITY-COUNTY TAX COLLECTOR FOR THE TOWN OF CAROLINA BEACH IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 264 of Public-Local Laws of 1937 is hereby amended by striking out the words "The said consolidated City-County Tax Collector shall receive for his services the sum of two and one-half per cent (2½%) of all taxes so collected, to be paid by the Town of Carolina Beach by warrant or voucher duly authorized by the governing body of said town upon bill duly presented." immediately following the period after the word "year" in said Section, and substituting in lieu thereof the words "The said consolidated City-County Tax Collector's office shall collect for services rendered the Town of Carolina Beach the sum of two and one-half per cent (2½%) of all taxes collected for said town. This sum shall be paid by the Town of Carolina Beach by warrant or voucher duly authorized by the governing body of said town upon bill duly presented by the City-County Tax Collector's office, and said sum shall be put into the general fund of the City-County Tax Collector's office to be used to supplement the operating expenses of said office."

Sec. 2. Any town or municipality in New Hanover County not now affected by this Act may with the consent of the Commissioners of New Hanover County and the Council of the City of Wilmington come under the provisions of this Act in the same manner as herein provided for the Town of Carolina Beach.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

S. B. 336 **CHAPTER 649**

AN ACT TO AMEND ARTICLE 31 OF CHAPTER 7 OF THE GENERAL STATUTES, RELATING TO CIVIL PROCEDURE IN THE GENERAL COURT OF DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-290 and G. S. 7-291 shall not be applicable to the General County Court of Duplin County but the provisions of Chapter 1 of the General Statutes relating to civil procedure in the Superior Court shall instead be applicable to the General County Court of Duplin County with respect to the procedure and all other matters included within the provisions of G. S. 7-290 and G. S. 7-291.

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

S. B. 337 CHAPTER 650

AN ACT TO AMEND G. S. 7-272, AS AMENDED BY CHAPTER 899 OF THE SESSION LAWS OF 1947, RELATING TO THE TERMS OF COURT OF THE GENERAL COUNTY COURT IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 899 of the Session Laws of 1947 is hereby amended by inserting a new Section, to be designated as Section 1½, and to read as follows:

"Sec. 1½. Notwithstanding any provisions of G. S. 7-272, and notwithstanding any other provisions of this Act, the provisions of G. S. 7-272, as amended by this Act, shall not be construed to be mandatory and the Judge of the General County Court of Duplin County may, in his discretion, convene said court on any day and he may recess the court from day to day or to a day certain, in his discretion, in order to serve the best interests of the county."

Sec. 2. This Act shall apply only to Duplin County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

S. B. 355 CHAPTER 651

AN ACT AMENDING CHAPTER 1009, SESSION LAWS OF 1953, RELATING TO THE SALARIES OF THE CLERK OF THE SUPERIOR COURT, THE REGISTER OF DEEDS AND THE SHERIFF OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1, Chapter 1009, Session Laws of 1953, be and the same is hereby amended by striking out the words and figures "four thousand dollars ($4,000.00)" appearing in line 4 of said Section and inserting in lieu thereof the words and figures "five thousand dollars ($5,000.00)".

That said Section be and the same is hereby further amended by striking out the words and figures "five thousand dollars ($5,000.00)" appearing in line 5 of said Section and inserting in lieu thereof the words and figures "six thousand five hundred dollars ($6,500.00)".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

S. B. 356 CHAPTER 652

AN ACT TO AMEND CHAPTER 479 OF THE SESSION LAWS OF 1953 RELATING TO FEES, COSTS AND COMMISSIONS TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 479 of the Session Laws of 1953 is hereby amended by:

(1) Striking out at the end of line two of subdivision A 1 (a) thereof the figures "$6.00" and substituting in lieu thereof the figures "$8.00";

(2) Striking out subdivision A 1 (b) and substituting in lieu thereof the following:

"(b) Contested: The same fee of thirteen dollars ($13.00) as in an uncontested case, plus jury tax of three dollars ($3.00) per hour for each hour or fraction thereof over one, and plus fee for stenographer when used.";

(3) Striking out in line four of subdivision A 2 the words and figures "six dollars ($6.00)" and substituting in lieu thereof the words and figures "eight dolars ($8.00)";

(4) Striking out in line four of subdivision A 3 thereof the words and figures "five dollars ($5.00)" and substituting in lieu thereof the words and figures "seven dollars ($7.00)";

(5) Striking out in lines two and three of subdivision A 5 the words and figures "three dollars ($3.00)" and substituting in lieu thereof the words and figures "five dollars ($5.00)";

(6) Striking out at the end of subdivision A 6 the figures "$3.00" and substituting in lieu thereof the figures "$5.00";

(7) Striking out in lines one and two of subdivision A 7 the words and figures "two dollars ($2.00)" and substituting in lieu thereof the words and figures "five dollars ($5.00)";

(8) Striking out at the end of line four of subdivision B 1 thereof the words and figures "four dollars ($4.00)" and substituting in lieu thereof the words and figures "six dollars ($6.00)";

(9) Inserting following the word "driving," and preceding the word "and" in line six of subdivision B 2 (c) thereof the word "speeding";

(10) Striking out in line one of subdivision B 2 (d) thereof the word "speeding,";

(11) Striking out in lines two and three of subdivision B 3 thereof the words and figures "two dollars ($2.00)" and substituting in lieu thereof the words and figures "five dollars ($5.00)";

(12) Striking out subdivision B 4 thereof and substituting in lieu thereof the following:

"4. Jury tax: Jury tax in civil and criminal actions tried in Superior Court shall be three dollars ($3.00) per hour for each hour or fraction thereof over one hour, time to be computed from the time the jury is empaneled through the judge's charge to the jury, minimum fee, three dollars ($3.00).";

(13) Striking out in line one of subdivision B 5 the words and figures "one dollar ($1.00)" and substituting in lieu thereof the words and figures "two dollars ($2.00)"; and

(14) Striking out in line three of subdivision B 5 the words and figures "one dollar ($1.00)" and substituting in lieu thereof the words and figures "two dollars ($2.00)".

Sec. 2. Section 3 of Chapter 479 of the Session Laws of 1953 is hereby amended by:

(1) Striking out in line twelve of subdivision 3 (a) the words and figures "fifteen dollars ($15.00)" and substituting in lieu thereof the words and figures "fifty dollars ($50.00)";

(2) Striking out in lines nine and ten of subdivision 3 (b) the words and figures "one dollar and fifty cents ($1.50)" and substituting in lieu thereof the words and figures "three dollars ($3.00)";

(3) Striking out in line eleven of subdivision 3 (b) thereof the words and figures "eight dollars ($8.00)" and substituting in lieu thereof the words and figures "twenty dollars ($20.00)"; and

(4) Striking out in line two of subdivision 4 thereof the words "two pages" and substituting in lieu thereof the word "page".

Sec. 3. Section 5 of Chapter 479 of the Session Laws of 1953 is hereby amended by striking out in line three thereof the word "five" and substituting in lieu thereof the word "three".

Sec. 4. Section 6 of Chapter 479 of the Session Laws of 1953 is hereby amended by:

(1) Inserting following the words and figures "five dollars ($5.00)," and preceding the word "plus" in line four of subdivision 1 A thereof the words "and fifty cents for each page for recording,";

(2) Striking out in line two of subdivision 1 C thereof the words and figures "three dollars ($3.00)" and substituting in lieu thereof the words and figures "five dollars ($5.00)";

(3) Changing the comma following the words and figures "ten dollars ($10.00)" in line four of subdivision II thereof to a period and striking out all of the rest of that sentence; and

(4) Striking out in line six of subdivision II thereof the word "additional".

Sec. 5. Section 7 of Chapter 479 of the Session Laws of 1953 is hereby amended by:

(1) Striking out in lines two and three of subdivision 3 C thereof the words and figures "fifty cents (50¢)" and substituting therefor the words and figures "one dollar ($1.00)";

(2) Striking out in line one of subdivision 5 thereof the words and figures "fifty cents (50¢)" and substituting therefor the words and figures "one dollar ($1.00)";

(3) Striking out in line two of subdivision 7 thereof the words "two pages" and substituting in lieu thereof the word "page";

(4) Striking out in line two of subdivision 8 thereof the words "two pages" and substituting in lieu thereof the words "one page";

(5) Striking out in lines three and four of subdivision 11 thereof the words and figures "fifty cents (50¢)" and substituting in lieu thereof the words and figures "one dollar ($1.00)";

(6) Striking out in subdivision 14 thereof the words and figures "fifty cents (50¢)" and substituting in lieu thereof the words and figures "one dollar ($1.00)";

(7) Striking out in lines one and two of subdivision 15 thereof the words "and short form chattel mortgage";

(8) Striking out all of subdivision 16 thereof;

(9) Striking out in line two of subdivision 18 A thereof the words and figures "forty-five cents (45¢)" and substituting in lieu thereof the words and figures "one dollar ($1.00)";

(10) Striking out all of subdivision 18 B thereof;

(11) Striking out in subdivision 18 C thereof the words and figures "fifty cents (50¢)" and substituting in lieu thereof the words and figures "one dollar ($1.00)";

(12) Striking out in subdivision 19 thereof the words and figures "one dollar ($1.00)" and substituting in lieu thereof the words and figures "two dollars ($2.00)"; and

(13) Striking out in subdivision 22 thereof the words and figures "fifty cents (50¢)" and substituting in lieu thereof the words and figures "one dollar ($1.00)".

Sec. 6. This Act shall apply only to Iredell County.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be effective on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

S. B. 357 CHAPTER 653

AN ACT AMENDING CHAPTER 1037, SESSION LAWS OF 1953, RELATING TO JAIL FEES IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 1037, Session Laws of 1953, be and the same is hereby amended by striking out the words and figures "one dollar and fifty cents ($1.50)", appearing in lines 6 and 7 of said Section and inserting in lieu thereof the words and figures "two dollars ($2.00)".

That said Section be and the same is hereby further amended by striking out the words and figures "one dollar and fifty cents ($1.50)",

appearing in line 12 of said Section, and inserting in lieu thereof the words and figures "two dollars ($2.00)".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

S. B. 358 CHAPTER 654

AN ACT FIXING THE FEES TO BE CHARGED BY THE REGISTER OF DEEDS OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Register of Deeds of Iredell County shall be entitled to receive fees in lieu of those allowed by G. S. 161-10 and G. S. 161-10.1, as follows:

1. For recording deeds, deeds of trust, mortgage deeds, chattel mortgages, conditional sales agreements, notes, contracts and agreements, and all other instruments permitted to be registered—one dollar ($1.00) for the first page, plus fifty cents (50¢) for each additional page or part thereof.

2. For recording a deed, deed of trust, mortgage deed, chattel mortgage or conditional sales contract executed by any church organization, no charge shall be required.

3. For furnishing certified copies of any of the above types of instruments, the fee shall be the same as for recording such instrument.

4. For recording plats—three dollars ($3.00) each.

5. For army discharges, first recording and two copies, no charge. Each additional copy—fifty cents (50¢).

6. For vital statistics—recording of births and deaths, no charge; recording births—delayed—fifty cents (50¢); each certified copy—fifty cents (50¢); certified copy marriage—fifty cents (50¢).

7. For commercial photostat work—one dollar ($1.00) for each photostat sheet.

Any fee not covered by the provisions of this Section shall be the same as that prescribed by G. S. 161-10 and G. S. 161-10.1.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

S. B. 362 **CHAPTER 655**

AN ACT TO AUTHORIZE THE TOWN OF TARBORO TO SELL CERTAIN PROPERTY PURCHASED FOR CEMETERY PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. If the governing body of the Town of Tarboro should determine not to develop, maintain and operate as a cemetery the property outside the corporate limits purchased for cemetery purposes, the town is authorized to sell such property at either private or public sale.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

S. B. 364 **CHAPTER 656**

AN ACT TO AUTHORIZE THE TOWN OF TARBORO TO EXPEND CERTAIN FUNDS TO ASSIST IN HOLDING A CELEBRATION OF THE 200TH ANNIVERSARY OF THE FOUNDING OF THE TOWN OF TARBORO.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Tarboro is hereby authorized, in its discretion, to expend such sums as it deems reasonable during the fiscal year July 1, 1959-June 30, 1960, and the fiscal year July 1, 1960-June 30, 1961, to assist in staging or holding a celebration of the 200th anniversary of the founding and incorporation of the Town of Tarboro.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

H. B. 684 **CHAPTER 657**

AN ACT TO PROVIDE FOR THE PROPER DISPOSAL OF DEAD ANIMALS IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The improper disposal of dead animals and poultry by allowing same to remain on the surface of the ground or by placing or allowing them to be placed along or into any stream, drainage ditch, or other body of water in Cherokee County, is hereby declared to be against public policy and to be a public nuisance.

Sec. 2. No person, firm, or corporation shall allow any dead cattle, swine, poultry, or any other dead animal to remain on the surface of the ground for more than twenty-four hours, nor shall any person, firm, or corporation owning or responsible for such animals place or allow the placing of their carcasses into or immediately adjacent to any drainage ditch, stream, or other body of water in Cherokee County.

Sec. 3. Any person, firm, or corporation owning or responsible for dead animals or poultry that shall fail to properly dispose of same or that shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and shall be fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) for each offense at the discretion of the court.

Sec. 4. The enforcement of this Act shall be the responsibility of the Health Director of Cherokee County and for the purpose of administering this responsibility he or his duly authorized representative is hereby empowered to enter upon any public or private property for the purpose of making investigations as to the disposal of dead animals or poultry.

Sec. 5. This Act shall apply to Cherokee County only.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

H. B. 713 CHAPTER 658

AN ACT TO AMEND ARTICLE 13 OF CHAPTER 20 OF THE GENERAL STATUTES RELATING TO THE VEHICLE FINANCIAL RESPONSIBILITY ACT OF 1957.

The General Assembly of North Carolina do enact:

Section 1. Article 13 of Chapter 20 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 20-310 to be designated as G. S. 20-310.1 and to read as follows:

"G. S. 20-310.1. Notice by Title Holder Under Conditional Sales Contract of Repossession of Motor Vehicles. To assist the Department of Motor Vehicles in keeping more adequate records of the termination of insurance by cancellation or failure to renew, any person, firm or corporation retaining title to any motor vehicle under a conditional sales contract or similar instrument shall give written notice to the Commissioner of Motor Vehicles informing the commissioner that the motor vehicle has been repossessed for nonpayment of part or the balance of the unpaid purchase price. The written notice shall be given within thirty (30) days after repossession of the motor vehicle. The notice shall contain, in addition to the date of repossession, the make, motor number, serial number, title number, license number, model of vehicle, name and address of the purchaser, and the person, firm or corporation repossessing the motor vehicle under the conditional sales contract."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

H. B. 721 CHAPTER 659

AN ACT TO AMEND HERETOFORE RATIFIED HOUSE BILL NO. 367 AND HERETOFORE RATIFIED HOUSE BILL NO. 370 BY EXEMPTING LENOIR COUNTY FROM THE PROVISIONS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. House Bill No. 367, entitled "A BILL TO BE ENTITLED AN ACT TO AMEND G. S. 153-9 (40) AND G. S. 160-22 SO AS TO AUTHORIZE CITY, COUNTY, AND JOINT PLANNING BOARDS TO CONTRACT FOR AND FURNISH TECHNICAL ASSISTANCE TO ONE ANOTHER.", ratified April 28, 1959, is hereby amended by adding following Section 1 thereof a new Section to be numbered "Section 1-½" and to read as follows:

"Sec. 1-½. The provisions of this Act shall not apply to Lenoir County."

Sec. 2. House Bill No. 370, entitled "A BILL TO BE ENTITLED AN ACT TO AMEND G. S. 153-9 (40) AND G. S. 160-22 SO AS TO AUTHORIZE CITY, COUNTY, AND JOINT PLANNING BOARDS TO CONTRACT WITH THE STATE AS WELL AS WITH THE FEDERAL GOVERNMENT FOR TECHNICAL PLANNING ASSISTANCE,", ratified April 21, 1959, is hereby amended by adding following Section 2 thereof a new Section to be numbered "Section 2-½" and to read as follows:

"Sec. 2-½. The provisions of this Act shall not apply to Lenoir County."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

H. B. 772 CHAPTER 660

AN ACT TO FIX THE PER DIEM COMPENSATION AND TRAVEL EXPENSE OF MEMBERS OF THE JONES COUNTY BOARD OF COMMISSIONERS, BOARD OF EDUCATION AND BOARD OF WELFARE AND TRAVEL ALLWANCE FOR JURORS.

The General Assembly of North Carolina do enact:

Section 1. The members of the Jones County Board of Commissioners, Board of Education, and Board of Welfare shall each receive as compen-

sation for their services a per diem of ten dollars ($10.00) for each day's attendance upon regular or special meetings of said boards and mileage of seven cents (7¢) per mile for travel to and from the county seat for each of such meetings attended by them.

Sec. 2. In addition to their per diem compensation as now fixed by law, grand and petite jurors shall receive a travel allowance of seven cents (7¢) per mile for one round trip between their homes and the courthouse in Trenton for each day's attendance upon court.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

H. B. 842 CHAPTER 661

AN ACT RELATING TO THE APPOINTMENT OF A SINGLE REGISTRAR OF VITAL STATISTICS FOR TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created in Transylvania County the office of Registrar of Vital Statistics, charged with the duty of performing in and for the whole of Transylvania County, those duties heretofore imposed on local registrars of vital statistics by Article 7 of Chapter 130 of the General Statutes. The Registrar of Vital Statistics of Transylvania County and successors to such office shall be appointed by the Board of Commissions of Transylvania County for terms of four years and until successors are appointed. Vacancies occurring in office shall be filled by appointment by the board of commissioners for the unexpired term. The registrar of vital statistics shall be compensated in the same manner and amount as is provided by G. S. 130-72 with respect to local registrars of vital statistics.

Sec. 2. The Commissioners of Transylvania County shall appoint a registrar of vital statistics for said county for the term of four years beginning on July 1, 1959.

Sec. 3. The terms of all incumbent local registrars of vital statistics in Transylvania County, appointed under the provisions of G. S. 130-40, are hereby terminated.

Sec. 4. This Act shall apply only to Transylvania County and shall be in effect only so long as the State Board of Health fails to exercise the authority granted to it under the provisions of G. S. 130-41, to designate and appoint the local health director as local registrar of vital statistics for Transylvania County, and if the State Board of Health exercises such authority, then this Act shall be null and void.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

H. B. 847 CHAPTER 662

AN ACT TO AMEND G. S. 28-170 RELATING TO THE COMMISSIONS ALLOWED PERSONAL REPRESENTATIVES AND FIDUCIARIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-170 is hereby amended by striking out the words and figures "one thousand dollars ($1,000.00)" in line 9 of the Section and substituting therefor the words and figures "two thousand dollars ($2,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

H. B. 862 CHAPTER 663

AN ACT TO AMEND G. S. 28-68 RELATING TO THE PAYMENT TO THE CLERK OF COURT OF MONEY OWED TO AN INTESTATE IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-68, as the same appears in the 1957 Cumulative Supplement to Volume 2A of the General Statutes, is hereby amended by striking out the figures "$500.00" wherever the same appear in said Section and by substituting in lieu thereof the figures "$1,000.00".

Sec. 2. This Act shall apply only to Union County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

H. B. 869 CHAPTER 664

AN ACT TO AMEND PARAGRAPH 12A OF G. S. 153-9 SO AS TO MAKE THE SAME APPLICABLE TO CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Paragraph 12a of G. S. 153-9, as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting, following the word "Camden," and preceding the word "Columbus" in line 13 thereof, the word "Chatham,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

H. B. 873 CHAPTER 665

AN ACT REWRITING SECTION 16, CHAPTER 151, PRIVATE LAWS OF 1895, THE CHARTER OF THE TOWN OF GRIFTON, SO AS TO GIVE TO SAID TOWN THE SAME AUTHORITY TO ACQUIRE PROPERTY BY GIFT, DEVISE, PURCHASE OR CONDEMNATION THAT IS GRANTED TO MUNICIPALITIES OF THIS STATE BY CHAPTER 160 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. That Section 16, Chapter 151, Private Laws of 1895, be and the same is hereby rewritten to read as follows:

"Sec. 6. Said town shall have all the authority to acquire property by gift, devise, purchase or condemnation that is granted to the municipalities of this State by the provisions of Chapter 160 of the General Statutes."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

S. B. 341 CHAPTER 666

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY TO CALL A SPECIAL ELECTION FOR THE AUTHORIZATION OF AN INDUSTRIAL DEVELOPMENT TAX FOR MARTIN COUNTY AND TO CREATE AND FIX THE POWERS OF AN INDUSTRIAL DEVELOPMENT COMMISSION FOR MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Martin County is authorized and empowered to call a special election upon the duly presented petition of any one hundred (100) qualified voters of Martin County to determine whether it be the will of the qualified voters of said county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said Martin County, to be known as an Industrial Development Tax, the funds therefrom, if the levy be authorized by the voters of Martin County, to be used for the purpose of attracting

new and diversified industries to Martin County, and for the encouragement of new business and industrial ventures by local as well as foreign capital, and for the purpose of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial plants in Martin County, and for the purpose of encouraging agricultural development in said county.

Sec. 2. There shall be no new registration of the voters of Martin County for such election. The registration books shall be open for the registration of new voters of Martin County at nine o'clock a. m., Eastern Standard Time, on the fourth Saturday before such election, and the said books shall be closed at sunset on the second Saturday before such election. The Saturday immediately before the election day shall be "Challenge Day". The registrar of each precinct of Martin County shall be furnished with a registration book and it shall be his duty between the hours of nine o'clock a. m., Eastern Standard Time, and sunset on each day during the period when the registration books are open, to keep open said books for the registration of new voters of Martin County residing within such precinct and entitled to registration. On each Saturday during the period of registration, the registrar shall attend with his registration books at the polling place of his precinct between the hours of nine o'clock a. m., Eastern Standard Time, and sunset, for the registration of voters.

Sec. 3. A notice of such registration of new voters shall be published in a newspaper circulated in Martin County once, not less than thirty days before and not more than forty days before the closing of the registration books, stating the hours and days for registration. It shall not be necessary to specify in said notice the places of said registration, except that the said notice shall state that on each Saturday during the period of registration, each registrar of Martin County will attend with his registration books at the polling place of his precinct, between the hours of nine a. m., Eastern Standard Time, and sunset, for the registration of voters.

Sec. 4. The registrars appointed for such election are directed to enter upon the registration books the names of any and all legal residents of Martin County, who are or could legally be enfranchised as qualified voters for regular general elections, not heretofore registered, and who may present themselves to be registered. In addition to registering such qualified persons who so present themselves during the specified hours of registration the said registrars are authorized and empowered during any interim period from nine o'clock a. m., Eastern Standard Time, on the first set Saturday of registration to and inclusive of five o'clock p. m., Eastern Standard Time, on the fourth such Saturday, to see and contact at their homes or elsewhere any such duly qualified persons and to register them upon the registration books.

Sec. 5. The hours of such an election, on a date to be designated by the Board of County Commissioners of Martin County are fixed at seven o'clock a. m., Eastern Standard Time, to seven o'clock p. m., Eastern Standard Time. The said special election, if called, shall be under the control and supervision of the Martin County Board of Elections, and at such special election said election board shall cause to be placed at each

voting precinct in Martin County a ballot box marked "Industrial Development Tax Election". At said election all voters of Martin County who are duly qualified electors and who are duly registered may vote in said election. Each of said voters when he or she comes to the polling place to vote shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words "For Industrial Development Tax" and "Against Industrial Development Tax", which alternates shall appear separated from each other on one ballot containing opposite and to the left of each alternate, squares of appropriate size in one of which squares the voters may mark "X" to designate the voters' choice for or against such tax. Such ballots shall be printed on white paper, and each polling place in Martin County shall be supplied with a sufficient number of ballots not later than the day before the election.

Sec. 6. The duly appointed judges and other election officials who are named and fixed by the Martin County Board of Elections shall count the ballots so cast in such election and the results of the election shall be officially canvassed, certified and announced by the proper officials of the Martin County Board of Elections, according to the manner of canvassing, certifying and announcing the elections held under the general election laws of the State. Except as herein otherwise provided, the registration and election herein provided for shall be conducted in accordance with the general election laws of the State as provided for local elections.

Sec. 7. If a majority of those voting in such election favor the levying of such a tax, the Board of Commissioners of Martin County is authorized to levy such a tax at a rate not to exceed five cents (5¢) on each one hundred dollars ($100.00) of assessed value of real and personal property taxable in Martin County, and the General Assembly does hereby give its special approval for the levy of such special tax.

Sec. 8. If the majority of the qualified voters voting in such election favor the levying of such a tax, then and in that event there is hereby created a commission to be known as the Industrial Development Commission for Martin County; such commission shall be composed of thirteen (13) members, to be named by the Martin County Board of Commissioners; one member to be named from each township in Martin County and three members to be named at large from Martin County, one of whom shall be a member of the Martin County Board of Commissioners. The terms of office of the members of the commission shall be three (3) years with the exception of the first two years' existence of the commission, in which five shall be appointed to serve for a period of one year, four for a period of two years, and four for a period of three years; thereafter, all members shall be appointed for three years and they shall serve until their successors have been appointed and qualified. All appointments for unexpired terms resulting from resignation, death or other causes shall be made by the Martin County Board of Commissioners. The commission shall hold its first meeting within thirty (30) days after its appointment as provided for in this Act, and the beginning date of all terms of office of the commissioners shall be the date on which the commission holds its first meeting. After the members of the commission shall have been appointed and at

the time of the holding of the first meeting, they shall, by a majority vote, name and select from their membership their own chairman, vice chairman, secretary and treasurer, and shall draw up and ratify their own bylaws and procedural rules and policies. The commission member who shall be named treasurer shall have supervision of all funds administered by the commission in any way whatsoever; shall sign and countersign all checks, drafts, bills of exchange, or any and all other negotiable instruments which shall properly be issued under his supervision; and shall furnish such surety bond as shall be designated by the Board of Commissioners of Martin County. No money, property or funds of the commission herein created shall be used directly or indirectly as a subsidy or investment in capital stock or capital assets in any business, industry or business venture.

Sec. 9. Under the supervision and jurisdiction of the Industrial Development Commission for Martin County there shall be set up a bureau, the purpose of which shall be to encourage new business and industrial development based on either local or foreign capital, and for the purpose of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial plants in Martin County, and for the purpose of encouraging agricultural development in said county, in any and all ways which may be deemed advisable by the commission; that the commission shall have charge of the activities of this bureau, full supervision of its operation, and full responsibility for its actions; that this jurisdiction shall include employment of personnel for the bureau, supervision of its purchase and expense accounts, and administration of responsibility for all the tax funds which shall be turned over to the commission by county authorities from the industrial development tax and any and all other funds which may come into its hands; the commission shall be empowered to lease, rent, or purchase, or otherwise obtain suitable quarters and office space for an industrial development bureau, to lease, rent or purchase necessary furniture, fixtures, and other equipment, to purchase advertising space in periodicals which may be selected for that purpose, and to otherwise engage in any and all activities which shall, in its discretion, promote the business and industrial development and general economic welfare of Martin County, and shall have full power to exercise any and all other proper authority in connection with its duties and not expressly mentioned herein. Provided, that said commission shall provide the board of county commissioners thirty days prior to July 1 a proposed budget for the fiscal year commencing on July 1 and shall provide the board of county commissioners an audit by a certified public accountant within sixty days after the expiration of the fiscal year ending on June 30. Nothing herein shall prevent the board of county commissioners itself from functioning and carrying out the duties of the Industrial Development Commission as provided for herein.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

S. B. 354 CHAPTER 667

AN ACT TO CONTINUE THE INCORPORATION OF THE CITY OF STATESVILLE AND TO CODIFY, AMEND AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF STATESVILLE, AND TO REPEAL CERTAIN ACTS AND PORTIONS OF CERTAIN ACTS CONSTITUTING A PART OF ITS PRESENT CHARTER.

The General Assembly of North Carolina do enact:

ARTICLE I. GENERAL

Section 1. CORPORATE NAME. GENERAL POWERS. The inhabitants of the City of Statesville shall be and continue, as they have been a body politic and corporate, and the corporation shall bear the name and style of the "City of Statesville", and have perpetual succession, and under such name and style shall have all the franchises, powers, property and rights of property which now belong to the corporation under any other name or names heretofore, and be subject to all its present liabilities; and by this name may acquire and hold all such estates as may be devised, bequeathed, sold or in any manner conveyed to it, and may from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell or dispose of the same; and under this name shall have power to contract and be contracted with, to sue and be sued, and shall have all the powers, rights, privileges, franchises and immunities necessary or belonging to or usually appertaining to municipal corporations.

Sec. 2. CORPORATE BOUNDARIES. Beginning at a point in the South margin of Salisbury Road, said point being situated and lying South 80 degrees 38 minutes 56 seconds East 380 feet from the intersection of the South margin of Salisbury Road with the center line of U. S. Highway No. 21 By-Pass; thence North 1 degree 43 minutes 05 seconds East 697.70 feet to a State Highway Right-of-Way Monument in the East margin of U. S. Highway No. 21; thence North 6 degrees 36 minutes 41 seconds West 1365.42 feet to a point, said point being 200 feet East of the eastern margin of U. S. Highway No. 21 By-Pass; thence running parallel with and 200 feet East of U. S. Highway No. 21 By-Pass North 4 degrees 24 minutes 37 seconds East 7099.55 feet to a point; thence North 3 degrees 54 minutes 55 seconds East 309.45 feet to a point and North 2 degrees 36 minutes 08 seconds East 2154.53 feet to a point; thence encompassing the interchange of U. S. Highway No. 21 By-Pass and U. S. Highway No. 64 By-Pass the following courses South 87 degrees 23 minutes 52 seconds East 964.26 feet to a point; thence North 2 degrees 36 minutes 08 seconds East 2600.00 feet to a point; thence North 87 degrees 23 minutes 52 seconds West 2528.52 feet to a point and thence; South 2 degrees 36 minutes 08 seconds West 1319.16 feet to a point 200 feet North of the North margin of U. S.

Highway No. 64 By-Pass; thence running 200 feet North of and parallel to the North margin of U. S. Highway No. 64 By-Pass South 79 degrees 07 minutes 53 seconds West 3136.54 feet to a point in the eastern margin of Old U. S. Highway No. 21; thence with the eastern margin of the Old U. S. Highway No. 21 North 5 degrees 56 minutes 57 seconds East 261.16 feet to a point; thence running 450 feet North of and parallel to U. S. Highway No. 64 By-Pass South 79 degrees 07 minutes 53 seconds West 1148.71 feet to a point; thence South 10 degrees 02 minutes 07 seconds East 250.00 feet to a point, said point being 200 feet North of the North margin of U. S. Highway No. 64 By-Pass; thence running 200 feet North of and parallel to the North margin of U. S. Highway No. 64 By-Pass South 79 degrees 07 minutes 53 seconds West 3302.00 feet to a point; thence South 75 degrees 58 minutes 00 seconds West 1030.13 feet to a point; thence South 72 degrees 49 minutes 57 seconds West 14070.35 feet to a point; thence crossing U. S. Highway No. 64 By-Pass South 17 degrees 10 minutes 01 seconds East 551.00 feet to a point; thence North 80 degrees 01 minute 18 seconds East 1147.83 feet to a point in the South margin of N. C. Highway No. 90; thence with the South margin of N. C. Highway No. 90 South 64 degrees 36 minutes 44 seconds East 2967.49 feet to a point in the South margin of N. C. State Highway No. 90; thence along the South side of the City of Statesville the following courses South 20 degrees 43 minutes 28 seconds West 1205.07 feet to a point; thence South 65 degrees 09 minutes 21 seconds East 1321.38 feet to a point; thence South 81 degrees 32 minutes 36 seconds East 234.50 feet to a point; thence South 20 degrees 12 minutes 46 seconds East 2059.15 feet to a point; thence South 14 degrees 24 minutes 56 seconds West 1804.72 feet to a point; thence South 87 degrees 36 minutes 10 seconds East 2741.03 feet to a point; thence South 48 degrees 51 minutes 00 seconds East 3788.33 feet to a point; thence South 4 degrees 38 minutes 38 seconds West 1625.00 feet to a point; thence South 89 degrees 27 minutes 00 seconds East 1922.95 feet to a point; thence South 52 degrees 58 minutes 38 seconds East 2087.25 feet to a point; thence North 60 degrees 47 minutes 49 seconds East 7892.77 feet to a point on the East side of Wall Street; thence along the East side of Wall Street North 2 degrees 45 minutes 14 seconds East 1777.99 feet to the South margin of Salisbury Road; thence with the South margin of Salisbury Road South 80 degrees 38 minutes 56 seconds East 1551.72 feet to the beginning containing 5910.27 acres or 9.23 square miles.

Sec. 3. GOVERNING BODY. The government of the city and the general management and control of all of its affairs shall be vested in a city council and mayor, which shall be elected as herein set forth and shall exercise its powers in conformity with the provisions of this Act, and the provisions of the general law with reference to the powers and privileges of municipalities wherein no provision has been made in this Act with respect thereto.

Sec. 4. FORM OF GOVERNMENT. The form of government for the City of Statesville shall be as set out in Plan "D", council-manager, of

the general law with reference to municipalities and as heretofore adopted by the electorate of the citizens of Statesville, subject to the modifications set forth in this Act.

ARTICLE II. CITY BOARD OF ELECTIONS

Section 1. CREATED; TERM OF OFFICE; APPOINTMENT. There is hereby created a City Board of Elections to consist of three (3) members, no more than two of whom shall be members of the same political party. Said members shall be appointed by a majority vote of, and serve at the pleasure of the city council. The city council shall fill any vacancies that might occur thereon.

Sec. 2. ELECTION OF CHAIRMAN AND SECRETARY. The City Board of Elections shall elect from its members a chairman and a secretary, who shall serve at the pleasure of the Board of Elections.

Sec. 3. PRESENT MEMBERS TO CONTINUE TO SERVE. The present members of the City Board of Elections shall continue to serve until their successors are duly appointed.

Sec. 4. DUTIES. It shall be the duty of the City Board of Elections to conduct all city primary elections, general elections, bond elections, special elections and any and all other elections ordered by the city council; to appoint all election officials necessary to conduct fair elections and perform all other duties required by this Act and the election laws of the State.

ARTICLE III. ELECTIONS; PRIMARY ELECTIONS; SOLE CANDIDATE DECLARED NOMINEE; GENERAL ELECTIONS; ELECTION PROCEDURES VALIDATED

Section 1. ELECTIONS.

(a) On Tuesday after the first Monday in May biennially commencing in May, one thousand nine hundred sixty-one (1961), there shall be elected a mayor at large, by and from the qualified voters of the entire city and one councilman from each ward, by the qualified voters of the entire city, for a term of two years and until their successors are elected and qualified.

(b) All candidates to be voted for at all general municipal elections, at which time a mayor, councilmen and/or other elective officers are to be elected under this Article, shall be nominated by a primary election, and no names shall be placed upon the general municipal election ballot except those nominated in such primary in the manner hereinafter prescribed.

Sec. 2. PRIMARY ELECTION.

(a) The primary election for such nominations shall be held on the fourth Saturday in March preceding all general municipal elections.

(b) Any elector of the City of Statesville desiring to become a candidate for nomination in the primary for the office of mayor, councilman or any other elective office shall, by 12:00 o'clock noon on the fifteenth (15th) day prior to the primary election day, file with the City Board of Elections notice of such candidacy in writing and in form substantially as follows:

"State of North Carolina
County of Iredell
I, ..., being duly qualified elector of the City of Statesville, do hereby give notice that I reside at .... in Ward No. ....., of the City of Statesville; that I am a candidate for nomination to the office of ..... to be voted upon at the primary election to be held on the..... day of ....., 19....., and I request that my name be printed upon the official primary ballots for such office.
(Signed) ....."
and he shall, at the time of filing said notice, pay to the said City Board of Elections the sum of five dollars ($5.00) to be turned over to the City Treasurer. Each candidate for councilman must be a resident of the ward for which he seeks nomination.

(c) Within one week following the expiration of the time for filing notice of candidacy the Chairman of the City Board of Elections shall cause to be published for one day in a newspaper of general circulation in the City of Statesville the names of the persons who have filed notices of candidacy as they will appear on the primary ballot.

(d) The Chairman of the City Board of Elections shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the ballot names of the candidates for mayor shall be placed with a square at the left of each name and above the names of the candidates for mayor shall be printed the words, "Vote For One." Following thereunder, the names of the candidates for the office of councilman shall be arranged by wards with a square at the left of each. Above the names of the candidates for councilman shall be printed the instruction to "Vote For Not More Than One From Each Ward." If a voter shall vote for more than one candidate from each ward, such ballot shall not be counted by the election officials in ascertaining the result of such election. A proper provision shall be made for the names of candidates for each other elective office of the city government. The ballots shall be printed upon plain white paper and shall be headed: "Candidates For Nomination of Mayor and Councilmen" and added thereto the names of any other elective office or officers as may now or hereafter be provided by law for the City of Statesville at the primary election. The primary ballot shall contain no party designation or mark whatever as to any of the candidates and shall provide that no voter may vote for more candidates than the respective offices to be filled and if such provision is violated on any ballot, such ballot shall not be counted.

(e) The City Board of Elections shall cause to be delivered at each polling place, before the primary election, a sufficient number of ballots to supply the voters of the precinct.

(f) In the municipal primary, the two persons receiving the highest number of votes for mayor and the two persons receiving the highest number of votes for councilman from each ward, shall be declared nominees for said office. In the nomination of candidates for the city school board, the two candidates receiving the highest number of votes cast shall be

declared nominated. Provided, that if any person whose name may appear on the ballot as candidate for mayor shall receive a majority of all the votes cast for the office of mayor, the person so receiving said majority of votes shall be named as the only nominee for said office. Provided, further, that if any one person whose name may appear on the ballot as a candidate for councilman from his respective ward shall receive a majority of all the votes, cast for the office of councilman from his or her respective ward, the person so receiving said majority of votes shall be named as the only nominee for said ward. The nominees for the offices of mayor, city councilmen, members of the city school board or any other elective office or offices as hereinbefore set forth shall be the only nominees who shall be entitled to have their names placed upon the ballot for the next succeeding general municipal election.

(g) If, as a result of receiving tie votes in said primary election, more persons appear to be entitled to be nominated than there can be nominees, then the City Board of Elections shall declare the nominee or nominees.

Sec. 3. SOLE CANDIDATE DECLARED NOMINEE.

In all cases where only one aspirant for nomination for any municipal elective office shall have filed the notice of candidacy as in this Article required, the City Board of Elections shall, upon the expiration of the time fixed for filing such notice, declare such person the nominee for said office and shall place such person's name upon the general election ballot as the nominee for such office.

Sec. 4. GENERAL ELECTION.

(a) The names of the candidates nominated as herein set forth for mayor, for councilmen, for school board and for such other elective office or offices as may hereinafter be provided by law for the City of Statesville, shall be placed upon the official ballot for the following general municipal election. The City Board of Elections shall cause the ballots to be printed and they shall be headed: "Nominees for Mayor, Councilmen, Members of the School Board," and such other elective office or offices as may hereinafter be created for the city. There shall be no party mark or designation whatever upon said ballots as to any of the nominees, and said ballot shall provide that no voter shall vote for more candidates than the respective offices to be filled, and if this provision is violated on any ballot such ballot shall not be counted.

(b) The City Board of Elections shall cause to be delivered at each polling place a sufficient number of ballots to supply the voters of the precinct.

(c) The nominee receiving the highest number of votes for mayor, the nominee receiving the highest number of votes for councilman from each ward and the other nominees, equal in number to the respective offices to be filled, receiving the highest number of votes for said office or offices as shown by the canvass by said City Board of Elections shall be declared elected and shall be certified as herein provided.

(d) If, as a result of receiving tie votes, there appears to be elected more candidates than there are offices to be filled, the City Board of Elections shall declare which candidate or candidates shall be elected.

(e) In all municipal elections, general and primary, the polls shall be open between the hours of 6:30 A. M. and 6:30 P. M. Eastern Standard Time.

(f) All municipal primaries or general elections shall be held exclusively under the supervision of the City Board of Elections according to the general election laws as the same may now or hereafter be provided, governing elections of State or county officers; provided, however, in no event may absentee ballots be used in either municipal primaries or municipal elections.

(g) In all municipal primary and general elections the registration of voters shall be conducted exclusively under the supervision of said City Board of Elections and the same shall be held and conducted in all respects under and according to the laws governing the registration and qualifications of voters in county and State elections as may now be provided or hereafter be enacted; provided, that the registration for both the municipal primary and general election shall begin at nine o'clock A. M. on the fourth Staturday before the municipal primary and end at sunset on the second Saturday before said primary, challenge day being on the Saturday next preceding said primary and there shall be no registration for either primary or general election after such second Saturday before the primary except that if any person shall give satisfactory evidence to the registrar and judges of election that he has become qualified to register and vote after the time for registration has expired he shall be allowed to register on the day of the municipal primary or election.

(h) In any and all municipal primaries and general elections excepting special bond or tax elections in which a special registration is ordered by the city, said City Board of Elections at the order of the governing body of the City of Statesville, the same city registration books as are now used in city elections with the addition of such names as are properly registered during the said registration period shall be used, and all electors of the City of Statesville properly registered on said city registration books and who are otherwise qualified shall be entitled to vote in said municipal primary and general election.

(i) All special bond or special tax elections shall be held exclusively under the supervision of the City Board of Elections in the manner provided by law for general State and county elections and the registration therefor, whether general or special, shall be conducted by the City Board of Elections with the same registrars, judges, or their duly appointed successors and polling places and at the same hours provided in the case of general State and county elections. All special, special bond, and special tax elections shall in all other respects be governed by the General Statutes and law of the State of North Carolina applying to such special, special bond or special tax elections.

(j) The expense of holding said municipal primaries or general elections and any special, special bond, or special tax elections shall be paid by the City of Statesville and there shall be paid to the City Board of Elections and all other election officials or officers the same rate of pay as in the elections of county or State officers or in special county elections.

(k) It is the intent of this Act that the City Board of Elections shall appoint registrars and judges for all municipal primaries and elections either general or special and for all other elections, prepare and distribute ballots, supervise the conduct of all such elections, and fix polling places as is now conferred on said board by law governing State and county elections, and said board shall canvass the returns of said primaries or elections and certify the results thereof; that it is further the intent and purpose of this Act that only one set of registration books be used in the City of Statesville for all municipal primaries and elections, except when special registration books are required for special, special bond or tax elections.

(l) Immediately upon the closing of the polls in all primaries and elections the registrars and judges in each precinct shall count the ballots and ascertain the number of votes cast in such precinct for each of the candidates. When the results of the counting of the ballots have been ascertained, such results shall be embodied in duplicate statements to be prepared by the respective registrars and judges on forms provided by the City Board of Elections and certified to by said officers. One of the statements of the voting in the precinct shall be placed in a sealed envelope and delivered to the registrar or judge selected by them for the purpose of delivering the same to the City Board of Elections at its meeting to be held on the second day after the election or primary. The other duplicate statement shall be mailed by one of the other precinct election officers to the Chairman of the City Board of Elections immediately.

(m) On the second day after such municipal primary or election at ten o'clock A. M. of that day, the said City Board of Elections shall meet at the City Hall in Statesville, North Carolina for the purpose of canvassing the votes cast therein and the preparation of the abstracts thereof. Any registrar or judge appointed to deliver the certified precinct returns who shall fail to deliver such returns at the meeting of the City Board of Elections at the time prescribed shall be guilty of a misdemeanor unless for illness or good cause shown for such failure. In the event any precinct returns have not been received by the City Board of Elections by the time provided or if any returns are incomplete or defective the said City Board of Elections shall have authority to dispatch an officer to the residence of the precinct officials failing to deliver them for the purpose of securing the proper returns for such precinct. The City Board of Elections at their said meeting required to be held as herein set forth in the presence of such electors as choose to attend shall open the returns and canvass and judicially determine the results of the voting in such primary or election, stating the number of legal ballots cast in each precinct for each candidate, the name of each person voted for and the number of votes given to each person for each different office. The City Board of Elections shall make and sign duplicate abstracts thereof and the Chairman of the City Board of Elections shall sign an affidavit on each of said duplicate abstracts of the returns of the municipal primary or election that they are true and correct. At or before nine o'clock on the third day after such primary or election, the City Board of Elections shall file one set of the

duplicate returns of the registrars and judges and one of the duplicate abstracts of the City Board of Elections with the Clerk of the City of Statesville. Not later than the fourth day after the said municipal primary or election the City Board of Elections shall make and publish in some newspaper of general circulation in the City of Statesville at least once the returns of the primary or election and also post written notice of such results in the Courthouse of Iredell County, North Carolina, at the place where notices are usually posted, in the City Hall of Statesville, North Carolina, at the place where notices are usually posted. If the said City Board of Elections shall deem it necessary it may appoint special counters to assist the registrars and judges in counting the ballots cast in any municipal primary or election in any precinct; such special counters before acting shall be sworn by a member of the City Board of Elections or by the registrar of the precinct to perform their duties honestly and properly.

Sec. 5. CONFLICT. Where any conflict arises between the provisions of this Article and the general laws of the State of North Carolina, the provisions of this Article shall prevail.

Sec. 6. ELECTION PROCEDURES VALIDATED. Notwithstanding any failure to fully comply with the statutes governing the calling and conduct of municipal elections, all municipal elections, both general and special, heretofore held in the City of Statesville in Iredell County, are hereby validated in all respects, and all municipal officials chosen in any such election are hereby declared duly elected to their respective positions, and all their official acts are hereby confirmed and validated as fully and completely as if there had been full compliance with all requirements of law in respect to any such election.

ARTICLE IV. WARDS; COUNTY ELECTION PRECINCTS

Section 1. DIVISION INTO SIX WARDS. The City of Statesville shall be divided into six wards as follows:

Ward 1. All of that part of the territory included in the boundaries set out in Article I, Section 2 of the City Charter, as amended or as may be amended, lying North of East Broad Street and East of North Center Street.

Ward 2. All of that part of the territory included in the boundaries set out in Article I, Section 2 of the City Charter, as amended or as may be amended, lying South of East Broad Street and East of South Center Street and the AT&O or Southern Railroad running South.

Ward 3. All of that part of the territory included in boundaries set out in Article I, Section 2 of the City Charter, as amended or as may be amended, lying in the following boundary: Beginning at the intersection of Center Street and Broad Street; thence on South Center Street to its intersection with the main line of the Southern Railway; thence in a westerly direction with the main line of Southern Railway to the city limits; thence with the city limits in a northwesterly direction to its intersection with South Lackey Street; thence on South Lackey Street in a northerly direction to its intersection with West Front Street; thence on West Front Street, East to Buena Vista Street; thence in a northerly

direction one block on Buena Vista Street to Cherry Street; thence on Cherry Street to the East end of Cherry Street and continuing in an easterly direction across the grounds of Mitchell College to West Broad Street; thence with West Broad Street in an easterly direction to the intersection of Broad Street and Center Street, the point of beginning.

Ward 4. All of that part of the territory included in the boundaries set out in Article I, Section 2 of the City Charter, as amended or as may be amended, lying in the following boundary: Beginning at the intersection of Center Street with Broad Street, the public square, and thence on North Center Street to its intersection with North Race Street; thence on North Race Street in a southerly direction to its intersection with Mitchell Avenue; thence on Mitchell Avenue one block West to its intersection with Glendale Drive; thence on Glendale Drive and North Lackey Street in a southerly direction to its intersection with West Front Street; thence on West Front Street to its intersection with Buena Vista Street; thence on Buena Vista Street one block to its intersection with Cherry Street; thence on Cherry Street to the East end of Cherry Street and continuing in an easterly direction across the ground of Mitchell College to West Broad Street; thence with West Broad Street in an easterly direction to the intersection of Broad Street and Center Street, the point of beginning.

Ward 5. All of that part of the territory including in the boundaries set out in Article I, Section 2 of the City Charter, as amended or as may be amended, lying West of the following boundary: Beginning at the intersection of South Lackey Street and the city limits; thence on South Lackey Street to West Front Street; thence on North Lackey Street and Glendale Drive to Mitchell Avenue; thence on Mitchell Avenue to North Race Street; thence on North Race Street to its intersection with North Center Street; thence with North Center Street in a northwesterly direction to the city limits.

Ward 6. All of that part of the territory included in the boundaries set out in Article I, Section 2 of the City Charter, as amended or as may be amended, lying South of the main line of the Southern Railway running westwardly and West of the Charlotte Branch of the Southern Railroad running southwardly.

Sec. 2. ELECTION PRECINCTS ESTABLISHED.

(a) The Board of Elections of Iredell County is directed to establish election precincts within the corporate limits of the City of Statesville which will be coterminous with the boundaries of the wards of said city which are now or may hereafter be established by law.

(b) The Board of Elections of Iredell County shall designate as the polling place in each precinct the place in such precinct used as the ward polling place in the last municipal election or any other public building available therefor.

ARTICLE V. MAYOR AND COUNCIL

Section 1. PRESENT OFFICERS CONTINUED. The present Mayor and City Council of the City of Statesville shall be, and continue as they

have in the past, the governing body of said City of Statesville, until their successors are elected and qualified as provided in this Act.

Sec. 2. NUMBER OF COUNCILMEN; POWER OF COUNCIL. The City Council of the City of Statesville shall be composed of six members, one of whom shall be elected from each of the six wards of the city by the qualified voters of the said city. The councilmen so elected shall form one council and the majority of the council, duly assembled, shall be competent to perform all the duties prescribed in this Act.

Sec. 3. EXERCISE OF POWERS. All of the corporate powers conferred upon the City of Statesville shall be exercised by the city council of said city, subject to the provisions of this Act and consistent with the powers herein granted and those enumerated in the General Statutes of North Carolina appertaining to the municipalities now in force or as may be hereafter amended.

Sec. 4. OATH OF MAYOR AND COUNCILMEN. At said first meeting the mayor and councilmen shall take an oath to support the Constitution of the United States and the laws made pursuant thereto, to support the Constitution of the State of North Carolina and the laws enacted by the General Assembly of said State not inconsistent with the Constitution of the United States, and to discharge the duties imposed upon them by virtue of their said office to the best of their ability. The said oath shall be administered by a judge, a justice of the peace, retiring mayor or by the Clerk of the Superior Court of Iredell County.

Sec. 5. MAYOR TO PRESIDE AT MEETINGS OF COUNCIL; VOTE; COMPENSATION; MAYOR PRO TEMPORE. The Mayor of the City of Statesville, in addition to any other duties which may be enumerated by this Act, shall preside at the meetings of the city council when he is present, and when there is an equal division upon any question or in the election or appointment of officers by the council, he shall determine the matter by his vote; he shall vote in no other case. The mayor shall be allowed a reasonable salary, to be fixed by the city council. The council shall appoint one of their number mayor pro tempore to exercise the functions of mayor, whenever said officer is absent or unable for any cause to discharge the duties of his office.

Sec. 6. RULES OF PROCEDURE; COMPULSION OF ATTENDANCE; POWER TO FILL VACANCIES. The city council shall determine its own rules of procedure and shall compel the attendance of its members. Upon demand of any member, the ayes and nays shall be taken upon the passage of all ordinances, resolutions or other measures and enter upon the minute book of the city council. They shall have power to fill all vacancies occurring in their council and shall also have power to fill a vacancy in the office of mayor.

Sec. 7. VACANCIES IN OFFICE OF MAYOR AND COUNCILMEN; PROCEDURE. If any vacancy should occur in the office of mayor or councilman in the City of Statesville, the city council, before filling such vacancy, shall give public notice of the same in some newspaper published in the City of Statesville at least fifteen (15) days before the date fixed for the filling of said vacancy or vacancies. The election to fill said vacancy

or vacancies shall be held by the city council between the hours of nine A. M. and five P. M. of the day fixed for such election.

The person or persons, so elected, shall hold said office or offices until the next general municipal election and until their successors, elected at such election, shall qualify.

Sec. 8. REGULAR MEETINGS; OPEN TO PUBLIC; COMPENSATION OF COUNCILMEN. It shall be the duty of the city council to meet at 7:30 P. M. on Monday night following their election, at the place where their predecessors met, and thereafter shall hold regular meetings twice in each month at such hour and place as they may select, and continue in session until all business of the council shall be disposed of, provided, however, that such regular meetings shall be established by ordinance and further, provided, that prior to the final adoption of an ordinance establishing such regular meetings, notice thereof shall be published in some newspaper having a general circulation throughout the City of Statesville, which notice shall be so published at least once, not more than thirty (30) days nor less than ten (10) days, prior to the final adoption of said ordinance. All legislative business of the council shall be transacted in meetings, and shall be open to the public. Each councilman of said city shall receive fifteen dollars ($15.00) for every regular or special meeting attended by said councilman but in no event shall any councilman receive compensation of more than six hundred dollars ($600.00) per year.

Sec. 9. SPECIAL MEETINGS OF THE CITY COUNCIL; NOTICE. Special meetings of the city council may be held on the call of the mayor or a majority of the councilmen, and at every such meeting when called by the mayor, all councilmen then in the city shall be notified, and on the call of a majority of the councilmen, such as do not join in the call and the mayor shall be notified.

Sec. 10. MAYOR AND COUNCILMEN INELIGIBLE FOR OTHER OFFICE OR EMPLOYMENT. Neither the mayor nor any member of the city council shall hold any other municipal public office or employment during the term for which he was elected, compensation for which is paid out of the public moneys of the city nor be entitled or appointed to any office created by or the compensation of which was increased or fixed by the city council, while he was a member thereof.

Sec. 11. COUNCILMAN MOVING FROM WARD; OFFICE VACATED. Should any councilman move his place of residence from the ward in which he was elected, to another ward in the city, his office shall be declared vacant and the remaining members of the council shall proceed to elect a councilman to fill the unexpired term as provided in this Act.

ARTICLE VI. ORDINANCES

Section 1. PASSAGE OF ORDINANCES; PUBLIC EMERGENCY; FRANCHISE OR SPECIAL PRIVILEGE. No ordinance shall be passed upon the date of its introduction except it be a cause of public emergency. In case of public emergency, an ordinance may be adopted on the date of its introduction; provided, it be passed by a unanimous vote of all councilmen present. All ordinances except in cases of public emergency shall be introduced at a regular meeting and shall stand for passage at the next

regular meeting of the council; provided, that no ordinance making a grant of any franchise or special privilege, except resolutions granting taxicab franchises, or any ordinance amending or extending such grant made prior thereto shall ever be passed on the date of its introduction and in no event until notice by advertisement in some newspaper publication in the City of Statesville for four weeks shall have been given by the beneficiary of said ordinance or by the city to the public, that such ordinance has been introduced and that its passage will be asked for at the next regular meeting of the council. Any such ordinance passed in any other manner than is herein provided shall be null and void.

Sec. 2. PUBLICATION OF ORDINANCES. The City of Statesville is not required to publish or advertise any ordinance either before or after passage,, except those specifiically required to be so published or advertised in the general laws of the State of North Carolina or elsewhere in this Act.

Sec. 3. AUTHORIZATION FOR THE CITY OF STATESVILLE TO INCORPORATE BY REFERENCE, IN ORDINANCES, THE PROVISIONS OF TECHNICAL CODES, PUBLIC RECORDS, MAPS OR PLATS, CITY CODE OF ORDINANCES.

(a) Adoption of Codes, Public Records, Maps or Plats by Reference: The City of Statesville is hereby authorized to adopt by reference the provisions of any code or portions of any code as herein defined, without setting forth the provisions of such codes in full; provided, that at least three copies of such code which is incorporated or adopted by reference in any ordinance are filed in the office of the city clerk and there kept available for public use, inspection and examination. The City of Statesville is likewise authorized and empowered to adopt by reference the provisions of any public records, maps or plats; provided, likewise, that three copies of such public records, maps, or plats are kept on file in the office of the city clerk as provided above for codes. The filing requirement herein prescribed shall not be deemed to be complied with unless the required copies of such code, public record, map or plat are filed with the city clerk for a period of ten (10) days prior to adoption of the ordinance which incorporates such code, public record, map or plat by reference.

(b) Definitions: As used in the text above, the following terms shall have the meanings indicated as follows, unless the context otherwise requires:

1. "Code" shall mean and include any published compilation of rules and regulations which have been prepared by various technical trade associations, agencies or departments of the State of North Carolina, and shall include specifically, but shall not be limited to, building codes; plumbing codes; electrical wiring codes; fire prevention codes; traffic codes; inflammable liquids codes, gas codes, heat and air-conditioning codes, together with any other codes which embraces rules and regulations pertinent to a subject which is a proper municipal legislative matter;

2. "Public Records" shall mean and include any municipal, State or Federal statute, rule or regulation adopted prior to the exercise by the City of Statesville of the authority to incorporate by reference herein

granted; provided, however, that this definition shall not include the municipal ordinances, rules or regulations of any municipality except those of the City of Statesville nor shall this definition include the State laws, rules and regulations of any state other than the State of North Carolina;

3. "Map" or "Plat" shall mean any map or plat recorded in the office of the Register of Deeds of Iredell County, North Carolina or on file in the office of the City Clerk of the City of Statesville, North Carolina;

4. "Published" shall mean printed, lithographed, multigraphed, mimeographed, or otherwise reproduced.

(c) Notice and Public Hearing Prior to Adopting of Ordinance: The City of Statesville shall cause to be published in a newspaper published in Iredell County, North Carolina a notice notifying the citizens of said city that an ordinance has been proposed which adopts by reference such code, public record, map, or plat and in general the contents of such ordinance, which notice shall be run once in such newspaper not more than 10 days prior to the introduction and first reading of said ordinance notifying the public that a public hearing will be had on the proposed adoption of such ordinance and giving to the public an opportunity to be heard on such proposal before any action is taken thereon.

(d) Publication of Adopting Ordinance: After an ordinance has been passed by the City of Statesville which adopts such code, public record, map or plat, the city shall cause to be published in some newspaper published in Iredell County, North Carolina, the ordinance in full which adopts such code, public record, map or plat by reference; provided, however, that it shall not be necessary to publish the material adopted by reference but rather the adopting ordinance only, and no such ordinance shall be effective until such publication shall have been completed.

(e) Adoption of Penalty Clauses by Reference Prohibited: Nothing contained herein shall be deemed to permit the adoption of penalty clauses by reference which may be established in the code or public record, which is being incorporated by reference, and such penalty clauses shall be set forth in full in the adopted ordinance and be published along with and in the same manner as the adopting ordinance is required to be published.

(f) Amendments to Codes, Public Records, Maps or Plats; Any amendment which may be made to any code, public record, map or plat incorporated by reference by the City of Statesville hereunder may be likewise adopted by reference; provided, that the required number of amended or corrected copies are filed with the clerk of said city for inspection, use and examination by the public. Ordinances adopting amendments by reference shall be required to be published in the same manner as other ordinances relating to adoption of materials by reference and the requirement as to prior filing before passage shall apply likewise to amendments.

(g) Ratification of Previous Adoptions By Reference: Any ordinance which has heretofore been adopted by the City of Statesville incorporating any code, public record, map or plat by reference thereto shall not be required to be re-enacted or re-adopted by reason of this Act, and all previous incorporations by reference are hereby ratified and declared ef-

fective; provided, however, that the requisite number of copies are forthwith filed with the clerk of the city if they have not already been so filed.

(h) Adoption of City Code by Reference: The City of Statesville at the time of the adoption of this Act has contracted with the Municipal Code Corporation, Tallahassee, Florida, to codify, consolidate, compile and revise its present city code of ordinances, of a general and permanent nature, and the City of Statesville is hereby authorized and empowered to adopt said new code of ordinances by reference at any time prior to the 31st day of December, 1960.

Sec. 4. PLEADING ORDINANCES; ADMISSION IN EVIDENCE. In all judicial proceedings, it shall be sufficient to plead any ordinance of said city by the caption thereof, or by the number of the section of the city code. All printed ordinances or codes of ordinances published in book form by authority of the city council shall be admitted in evidence in all courts.

ARTICLE VII. RECALL OF ELECTED OFFICIALS

Section 1. HOLDER OF ELECTED OFFICE MAY BE REMOVED BY QUALIFIED VOTERS. The holder of any elective office serving in the municipal government of the City of Statesville, North Carolina, may be removed at any time by the electors qualified to vote for a successor of such incumbent.

Sec. 2. THE PROCEDURE TO EFFECT THE REMOVAL OF AN INCUMBENT OF AN ELECTIVE OFFICE.

(a) A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum (25%) of the entire vote for all candidates for the office of mayor cast at the last preceding general election, demanding an election of a successor of the person sought to be removed, shall be filed with the clerk; which petition shall contain a general statement of the ground for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his or her signature his or her place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(b) Within ten (10) days from the date of filing of such petition the city clerk shall examine and from the voters' register ascertain whether or not the petition is signed by the requisite number of qualified electors, and he shall attach to the petition his certificate, showing the results of such examination. If by the clerk's certificate it is shown to be insufficient, it may be amended within ten (10) days from the date of the certificate. The clerk shall, within ten (10) days after such amendment, make a like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the city council without delay.

(c) If the petition shall be found to be sufficient, the city council shall order and fix a date for holding a primary, as provided in cases preceding regular elections, the primary to be held not less than ten (10) days or more than twenty (20) days from the date of the clerk's certificate to the city council that a sufficient petition is filed. If in the primary election any candidate receives a majority of all the votes cast, he shall be declared to be elected to fill out the remainder of the term of the officer who is sought to be recalled. If there be more than two candidates in such primary and no one receives a majority of all the votes cast therein, then there shall be an election held within twenty (20) days from the date of the primary, at which election the two candidates receiving the highest vote in the primary shall be voted for. Candidates' names shall be placed on the ticket in the primary and election held, and the results canvassed, under the same rules, conditions, and regulations as are prescribed for the primaries preceding regular elections. The city council shall make or cause to be made publication for ten (10) days' notice and all arrangements for holding such elections, and the same shall be conducted, returned, and the results thereof declared in all respects as other city elections.

Sec. 3. SUCCESSOR IN OFFICE. The successor of any officer so removed shall hold office during the unexpired term of his or her predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he or she requests otherwise in writing, the clerk shall place his or her name on the official ballot without nomination. At such elections, if some other person than the incumbent is elected the incumbent shall thereupon be deemed removed from the office upon qualification of his successor.

Sec. 4. FAILURE TO QUALIFY; ELECTION BY COUNCIL. In case the party elected should fail to qualify within ten (10) days after receiving notification of election, the office shall be deemed vacant, and in that event the unexpired term shall be filled by election by the city council, but the councilman removed shall not be eligible to election by the council, and the person so elected by the council shall be subject to recall as other councilmen. If the incumbent received a majority of the votes in the primary election he shall continue his office.

Sec. 5. RIGHT OF RECALL OF SUCCESSOR. Such method of removal shall be cumulative and additional to any other method provided by law. In the event any officer is recalled and any person is elected as his successor, the right of recall of such successor so elected shall be as in case of an officer originally elected.

ARTICLE VIII. MAYOR'S COURT

Section 1. JURISDICTION; PROCEEDINGS; RIGHT OF APPEAL. The mayor of the City of Statesville, while acting as such, is hereby constituted an official court, with all jurisdiction and powers in criminal offenses occurring within the limits of said city, which now or may hereafter be given by law to justices of the peace, and shall also have jurisdiction to hear and determine all violations of the ordinances of said city.

The proceedings in said court shall be the same as are now or hereafter may be prescribed for courts of justices of the peace, and in all cases there shall be the right of appeal.

Sec. 2. ASSISTANT JUDGE AUTHORIZED.

(a) The Governing Body of the City of Statesville is hereby authorized to appoint an Assistant Judge of the Mayor's Court of the City of Statesville to serve at the pleasure of said governing body and to be paid such salary as the governing body, in its discretion, may fix.

(b) The assistant judge provided for in this Article shall have the same jurisdiction, powers and duties with respect to the Mayor's Court of the City of Statesville as the mayor has, and he shall hold court at such times as the governing body may direct.

(c) Whenever any defendant in any criminal action is taxed with the costs in said Mayor's Court of the City of Statesville, there shall also be taxed in such bill of costs a fee of one dollar ($1.00) in addition to all other costs now provided by law, which costs shall be paid into the treasury of the City of Statesville to partially reimburse said city for the expense involved in paying the assistant judge's compensation.

Sec. 3. RECORDS TO BE KEPT; FORCE OF JUDGMENTS; COSTS. The mayor shall keep or cause to be kept, a faithful minute of the precepts issued by him and his action thereon. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in the same manner and by the same means as if the same had been rendered by a justice of the peace. In every criminal case tried in the Mayor's Court of the City of Statesville there shall be taxed by the clerk thereof as costs to be paid by the defendant, when convicted, the sum of four dollars ($4.00) as the mayor's fees, the sum of two dollars ($2.00) as the arrest fee, the sum of fifty cents (50¢) as the fee for issuing of warrant, the sum of fifty cents (50¢) as clerk's fee, and in addition thereto, the sum of fifty-five cents (55¢) per diem for a jail fee, if the defendant has been confined to jail, and the sum of sixty cents (60¢) for the turnkey fee, also if the defendant has been confined to jail, and other fees, not covered herein, shall be the same as now allowed, or which may hereafter be allowed, in trials before justices of the peace, but all costs so collected in the mayor's court shall be paid into the city treasury; provided, however, that in case of an appeal to the county recorder's court, or in the event that the defendant is bound over to the county recorder's court, or in the event that the defendant is bound over to the Superior Court, when defendant is convicted and no costs are collected, the county shall pay only one dollar and seventy-five cents ($1.75) as costs to the mayor's court.

Sec. 4. ISSUANCE OF PRECEPTS. The mayor may issue his precepts to the chief of police or other lawful officer of the City of Statesville or of the County of Iredell.

Sec. 5. JURISDICTION OF MAYOR'S COURT AUTHORIZED TO BE CONFERRED ON COUNTY RECORDER'S COURT. The City Council of the City of Statesville and the Board of Commissioners of the County of Iredell shall have the power, by joint resolution at a joint meeting of

the two bodies, to take away from the Mayor's Court of the City of Statesville all jurisdiction it now exercises and confer such jurisdiction on the Recorder's Court of Iredell County, heretofore established under the general law. After the adoption of such joint resolution, a majority of each board concurring therein, the Recorder's Court of Iredell County shall possess all the powers and functions and exercise all the territorial jurisdiction heretofore exercised by the Mayor's Court of the City of Statesville, which shall be in addition to the powers and functions now exercised by said Recorder's Court of Iredell County.

ARTICLE IX. CITY MANAGER

Section 1. APPOINTMENT. At the first meetings of the city council after their election or as soon thereafter as practicable, the council shall appoint a city manager, and he shall serve at the pleasure of the council.

Sec. 2. QUALIFICATIONS. The city manager shall be chosen by the city council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or State, but during his tenure of office he shall reside within the city.

Sec. 3. SALARY; TRANSPORTATION. The city manager's salary shall be fixed by the city council and he shall be provided with adequate transportation, at the expense of the city, or be paid a reasonable car allowance, in lieu thereof, as may be determined by the city council.

Sec. 4. POWERS AND DUTIES. The city manager shall be the administrative head of the city government. He shall be responsible to the city council for the proper administration of all affairs of the city and to that end he shall have power and shall be required to:

(a) Appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this Act.

(b) Prepare the budget annually and submit same to the council and be responsible for its administration after adoption.

(c) See that within the city the laws of the State and the ordinances, resolutions and regulations of the council are faithfully executed.

(d) Attend all meetings of the council and recommend for adoption such measures as he shall deem expedient.

(e) Make reports to the council from time to time upon the affairs of the city; keep the council advised of the financial condition and future needs.

(f) Countersign all checks for the disbursement of city funds.

(g) Perform such other duties as may be prescribed by this Act or required of him by the council, not inconsistent with this Act.

ARTICLE X. CITY ATTORNEY

Section 1. At the first meeting of the city council after their election, or as soon thereafter as practicable, the council shall appoint a city attorney, who shall serve at the pleasure of the city council and at a compensation to be fixed by the council; provided, however, that should the

city council deem it advisable it may employ either one or two, but not more than two, such attorneys. Nothing herein contained shall prevent any city attorney from being a member of a firm of attorneys.

(a) The city attorney, or attorneys, shall be an attorney or attorneys-at-law who shall be licensed to practice in this State.

(b) The duties of the city attorney or city attorneys shall be as follows: To prosecute or defend all suits at law or in equity wherein the City of Statesville may become the plaintiff or defendant in said suit; to attend all meetings of the city council; to represent the city in all legal proceedings; to render advisory opinions to the city council, city manager, and to the heads of departments; to perform all services incident to his position as may be required by statute, by this Act, by ordinance, or any other service of legal nature when requested to do so by the city council.

ARTICLE XI. CITY CLERK

Section 1. At the first meeting of the city council after their election or as soon thereafter as practicable, the council shall appoint a city clerk, who shall serve at the pleasure of the city council and at a compensation to be fixed by the city council, and who may be required to give bond in such amount and with such surety as ordered by the city council and whose duties shall be as follows:

(a) The city clerk shall act as clerk of the city council and such other boards and commissions as may be provided in this Act, and by ordinance, and shall keep the minutes and records thereof and shall be the custodian of all minute books of the proceedings of said city council and such boards and commissions.

(b) The city clerk shall be the custodian of all written claims and demands made upon said city arising out of tort actions.

(c) The city clerk shall be the custodian of all signed petitions with reference to public improvement, condemnation proceedings, and all contracts made and entered into by the city and all notices and affidavits of the publishers with reference to the publication of ordinances, budgets or other legal advertisements required to be made by the city.

(d) The city clerk shall be the custodian of the official seal of said city and shall attest and affix said official seal to all documents or instruments of said city required to be so attested and sealed.

(e) The city clerk shall be custodial of all bonds required by ordinance, contract or by law to be executed and deposited with said city.

(f) The city clerk shall perform such other duties as may be required by the city council or the city manager.

(g) The city council may combine the position of the city clerk with any other office or offices that it sees fit, vesting in the person holding such combined office or offices the powers and duties of all offices.

(h) The city council may elect an assistant city clerk who shall be sworn to the faithful discharge of his or her duties and may act as clerk in the absence of the city clerk, and shall be vested with all of the powers and duties hereinabove set out pertaining to the city clerk.

ARTICLE XII. CITY TREASURER

Section 1. At the first meeting of the city council after their election or as soon thereafter as practicable, the city council shall appoint a city treasurer who shall serve at the pleasure of the council and who shall give bond in such amount as may be required, by the council, and who shall receive such compensation for his services as may be fixed by the council and whose duties shall be as follows:

(a) He shall be custodian of all funds of the City of Statesville and shall cause to be kept a proper record recording the source from which said funds are derived and shall disburse the same in accordance with due authority given by the city council.

(b) He shall see and require that all departments of the City of Statesville which receive funds for said city make regular deposits of same to the credit of the city in a depository approved and designated by the city council and shall require deposit slips be presented to him by an official head of each of said departments upon the same day on which the deposit is made.

(c) He shall sign all checks issued for the disbursement of funds of the city.

(d) He shall execute all notes, bonds or other evidences of indebtedness for the City of Statesville where the same are required by private or public law to be executed by the city treasurer.

(e) He shall assist the city manager in the preparation of the budget of the City of Statesville and shall advise with him and with the city council upon the finances and issuances of bonds and other obligations of the city.

((f) He shall submit to the city council through the city manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city.

(g) He shall attend to all duties required of him as treasurer of boards or commissions connected with the city government under and pursuant to the provisions of this Act, or as may be required of him by ordinances or laws hereafter enacted.

(h) He shall perform such other duties as may be required by the city council or the city manager.

(i) The council may combine the position of the City treasurer with any other office or offices that it shall see fit, vesting in the person holding such combined office or offices the powers and duties of all offices.

ARTICLE XIII. TAX COLLECTOR

Section 1. At the first meeting of the city council after their election or as soon thereafter as practicable, the city council shall appoint a tax collector who shall serve at the pleasure of the council, and who shall give bond in such amount as may be required by the council, and who shall receive such compensation for his services as may be fixed by the council and whose duties shall be as follows:

(a) He shall collect ad valorem taxes on real and personal property, street assessments, benefits assessed in condemnation proceedings, auto license tags, dog licenses, and all other taxes of any nature or kind, privi-

lege or otherwise specified. He shall keep a true and accurate account thereof and shall allocate the moneys received by him to the respective accounts designated in the levy of such tax assessments and shall deposit such funds in a depository, or depositories, designated by the city council for the deposit of such funds.

(b) He shall be the custodian of the tax books and records, together with all tax sale certificates, street assessment books and records, and all moneys coming into his hands until the same have been duly deposited in the depository, or depositories, named by the city council.

(c) On or before the first Monday in October, and annually thereafter, the city council shall place or cause to be placed in the hands of the city tax collector the tax receipts, stubs and scroll with an order directing the tax collector to collect said taxes, which order shall have the force and effect of a judgment and execution against the property, real and personal, charged in the tax scroll and receipts and said order shall be in full and sufficient authority to direct, require and enable the tax collector to levy on and sell any real or personal property of such for and on account thereof, in accordance to law.

(d) He shall perform such other duties as may be imposed upon him by the city council and those which may be now or hereafter required of tax collectors by the general laws of the State of North Carolina.

(e) The tax collector shall perform such other duties as may be required by the city council or the city manager.

(f) The council may combine the position of tax collector with any other office or offices that it shall see fit, vesting in the person holding such combined office or offices the powers and duties of all offices.

Sec. 2. The collection hereafter made of all ad valorem taxes levied by the governing body of the City of Statesville, which at the beginning of any fiscal year were due and payable two years or more prior to the beginning of the fiscal year, shall accrue to the benefit of, and be deposited in the general fund of the City of Statesville.

ARTICLE XIV. POLICE

Section 1. POWERS AND DUTIES GENERALLY. The city council shall regulate and make rules for the police force of the city. The chief of police and his assistants shall preserve the peace by the suppression of all disturbances and the apprehension of all offenders, and they shall have the power to summon as many persons as they may deem necessary to assist in the performances of said duties.

Sec. 2. AUTHORITY; EXTENSION OF POLICE POWER ONE MILE BEYOND CORPORATE LIMITS. Any member of the police force of the City of Statesville acting as such shall have all the authority for the suppression of crime or the apprehension of criminals and be granted all immunities while so engaged as the State of North Carolina bestows upon the sheriffs of the various counties.

The chief of police and each and every member of the police force shall have and they are hereby given full right, power and authority to execute process of all sorts and kinds, and to make arrest without warrant in the territory extending one mile in every direction from the corporate limits of

the municipality, in the same manner and to the same extent as they are or may be authorized so to do within the corporate limits of the municipality.

Sec. 3. AUTHORITY TO ISSUE WARRANTS. Every police officer of the rank of sergeant or of higher rank, of the City of Statesville, who is assigned to day or night duty as the desk officer, in the police department in the City of Statesville, shall have the power and authority to issue warrants for the arrest of all persons charged with the commission of any offense within the corporate limits of the City of Statesville or within a distance of one mile thereof, in the same manner and under the same conditions subject to the same restrictions as set out in Article 3, Chapter 15 of the General Statutes of North Carolina as amended, relating to warrants, and may fix the amount of and accept appearance bonds.

Sec. 4. POLICE TO SERVE ALL CIVIL PROCESSES. It shall be lawful for the policemen to serve all civil processes or notices that may be directed to them by the mayor or by any court under the same regulations and penalties as are now or may be prescribed by law in the case of constables.

Sec. 5. COMPENSATION OF POLICE; FEES TO INURE TO CITY. The compensation of said chief of police and his assistants shall receive such sums as the city council may determine, and all fees collected by either of them for services rendered in any court shall be turned into the treasury of said city.

Sec. 6. BOND OF CHIEF OF POLICE. The chief of police shall give a bond with approved sureties, in a sum to be fixed by the city council and payable to the City of Statesville, conditioned to diligently perform all duties imposed upon him by virtue of his office and to faithfully pay over all sums of money collected or received by him for the use of the city.

ARTICLE XV. FIRE DEPARTMENT

Section 1. FIRE PROTECTION; AUTHORITY IN ARRESTING FIRES GENERALLY. Authority is hereby conferred, subject to the provisions of this Act, to make provision for the protection of the lives and property of the people against loss or damage by fire. In case of fire, the mayor or the person exercising the duties of chief of the fire department may order the blowing up, pulling down or destruction of any house or houses in his judgment necessary for the prevention of the spread of fire, and no person shall be held civilly or criminally liable for giving or obeying such order.

Sec. 2. AUTHORITY TO MAKE ARREST DURING FIRES. Any policeman or the chief of the fire department or any person designated by him or by the mayor, shall have power and is hereby authorized to make arrests during fires for any interference with or obstruction of the operations of the firemen in the performance of their duties.

Sec. 3. RIGHT OF WAY OF APPARATUS; INTERFERENCE WITH APPARATUS OR FIREMEN; PENALTY. In the event of an alarm of fire, the fire apparatus of the city shall have exclusive right of way in and upon the streets, alleys, and squares in going to or operating at any fire,

and anyone interfering with the operations of the firemen in the discharge of their duty, or interfering with any of the apparatus, hose or equipment, shall be guilty of a misdemanor.

ARTICLE XVI. UTILITIES

Section 1. AUTHORITY GENERALLY; ENFORCEMENT OF CONNECTIONS. The city council shall have the power and authority to locate, lay, establish and maintain public sewers, water mains and electrical generating plants, distribution system and appurtenances thereto appertaining in such of the streets or elsewhere as the council may deem necessary, and may require the owners of real property upon which residences or other buildings are located, abutting upon the streets in which said sewer or water mains are located, or within a reasonable distance thereof, to connect said residences or other buildings with such public sewers and water mains, under such reasonable rules and regulations and upon such conditions as said council shall establish and fix by ordinance.

Section 2. CONSTRUCTION, MAINTENANCE AND MANAGEMENT OF UTILITIES. The city council shall have authority to extend, construct, maintain, change the location of or discontinue the standpipes, reservoirs, water mains and water pipes connected with the city waterworks, sewer mains, sewer connections, lift stations and other sewer apparatus connected with the city sewer system and electric lines, power plants, poles and other electrical apparatus connected with the city electrical system, and the council shall have authority to regulate and control the introduction, distribution and use of water, sewerage and electricity in said city and fix the rate for which same shall be furnished to customers, and prescribe the time of payment and provide for the collection of rents, rates, forfeitures or emoluments from the operations of the waterworks system, sewerage system and electrical system and may after five days' notice cause the water and/or electricity to be shut off from any buildings, places or premises, on account of nonpayment of said rates or rents, and said premises need not be furnished with water and/or electricity until the arrears with interest thereon, and the expense of cutting off and reintroducing the water supply and/or electricity shall have been full paid, and to prescribe penalties against any person who shall interfere with the water supply, electric supply or sewerage system of any buildings, places or premises, or who shall turn on the water or electricity in or to any building, place or premises after the same shall have been cut off and before payment of said arrears.

Sec. 3. INJURING OR CORRUPTING UTILITIES. If any person shall willfully or maliciously or wantonly tap on to, destroy or injure any pipe lines, electric lines or other property used or required for procuring or distributing water, sewerage or electricity, said person shall be guilty of a misdemeanor.

Sec. 4. RIGHT OF WAY FOR WATER, SEWERAGE AND ELECTRICAL SYSTEM. Said city council shall have the right to use the ground or soil within the right of way of any street, railway right of way or highway for the purpose of maintaining, extending or improving the system of waterworks, sewerage system or maintaining, extending or improving

the light, distribution or power systems of said city, together with the right to cross and recross said rights of way, whenever same may be deemed necessary, in any convenient and safe manner.

ARTICLE XVII. STREET AND SIDEWALKS; STREET AND SIDEWALKS IMPROVEMENTS; ASSESSMENTS

Section 1. POWERS AS TO STREETS GENERALLY. The city council of the City of Statesville shall have full power and authority to grade, pave, macadamize, repave, remacadamize, repair and otherwise permanently improve for travel and drainage any street, sidewalk, and public alleyway of said city; to put down curbing, cross-drains and crossings on the same; and to make such other improvements on said streets, sidewalks and public alleyways as in the discretion of the said city council, the pubilc convenience may require.

Sec. 2. ASSESSMENTS FOR SIDEWALKS IN FIRE LIMITS; LIEN; PUBLICATION OF NOTICE. Whenever any sidewalk within the district known as the "fire limits", as they are now constituted, or may hereafter be created, shall have been paved or repaved by virtue of an ordinance duly passed by the city council, the City of Statesville shall have power to recover one-half of the costs of said work from the owners of the land abutting on said sidewalk, and the amount charged against each of said landowners shall be assessed on and shall constitute a lien on the lot or lots of said landowners abutting said sidewalks; provided, however, that the city council shall cause to be published in a paper published in the City of Statesville, at least ten days before such work shall be commenced, a notice that the city council has ordered said sidewalk to be paved, repaved or repaired, as the case may be, which notice shall be full and sufficient notice to all property owners abutting on said sidewalk; provided, also, that the city shall, out of its general fund, pay the remainder of said cost.

Sec. 3. ASSESSMENTS FOR STREETS IN FIRE LIMITS; LIEN; PUBLICATION OF NOTICE; PAYMENT BY CITY. When any street or part thereof, within the district known as the "fire limits", as they are now constituted, or may hereafter be created, shall have been paved, repaved, macadamized or remacadamized by virtue of an ordinance duly passed by the city council, the City of Statesville shall have power to recover one-third of the cost of said work from the owners of the land abutting on one side of said street, and one-third of the cost of said work from the owners of the land abutting on the other side of said street, and the amount charged against each of said landowners shall be assessed on and shall constitute a lien on the lot or lots of said landowners abutting on said street; provided, however, that the city council shall cause to be published in a paper published in the City of Statesville, at least ten days before such work shall be commenced, a notice that the city council has ordered said street to be paved, repaved, macadamized or remacadamized, as the case may be, which said notice shall be full and sufficient notice to all property owners abutting on said stret; provided, also, that the city shall, out of its general fund, pay the remainder of said cost; and for all street intersections so paved, repaved, macadamized or remacadamized.

Sec. 4. ASSESSMENTS FOR IMPROVEMENT DISTRICTS BEYOND THE FIRE LIMITS. Said city council shall have full power and authority to adopt by ordinance such a system of laying out districts or sections of streets, together with concrete, curbs and gutters, drainage conduits and drainage structure and sidewalks for permanent improvement beyond said "fire limits", and of equalizing assessments on real estate to pay the cost of such improvements as may be just and proper; and in order to more fully carry out the duties imposed by the provisions of this Act for more permanent improvement of all streets together with concrete curbs and gutters, drainage conduits and drainage structures beyond said "fire limits" and all sidewalks abutting thereon, said city council shall have the power to pass an ordinance assessing against the property owners on each side of said street one-fourth of the cost of paving, repaving, macadamizing or remacadamizing any such street together with one-fourth of the cost of the concrete curbs and gutters on either side of said street, including drainage conduit and drainage structures constructed or reconstructed, and one-half of the cost of paving or repaving the said sidewalk adjoining on the real estate abutting on one side of the street, or portion thereof so laid out and improved, together with one-half of the cost of paving or repaving the sidewalk adjoining on the real estate abutting on the other side of said street, or portion thereof so laid out and improved, and it shall be incumbent on the owners of the real estate on each side of the street, or part thereof. so laid out and improved, to pay the amounts so assessed for such improvements and the amounts charged against each landowner shall be assessed on and shall constitute a lien on the lot or lots of said landowners abutting on said street; provided, that the city shall, out of its general fund, pay for the remainder of said cost and for all street intersections so improved.

Sec. 5. ASSESSMENTS AGAINST RAILWAYS; DEDUCTIONS FROM APPORTIONMENT; REPLACEMENT OF STREETS. If any railway company or corporation has tracks running through or across any street ordered to be paved, repaved, macadamized or remacadamized, then said railway company or corporation shall be charged with, and shall pay the cost of paving, repaving, macadamizing or remacadamizing the space lying between its rails and for twenty inches on each side of each line of track, as they may hereafter be constructed by said railway company or corporation; provided, that whatever of the cost of the street improvements, which may be paid by or assessed against the property of any railroad or railway company as herein provided, shall be deducted from the proportion of the costs of such improvement for which the City of Statesville is liable, and the amount paid by or to be paid by said railway company, shall not in any event be deducted from any sum assessed against the abutting landowners under the provisions of this Act; provided, further, that whenever any railway company or corporation shall lay a track upon any street, then said railway company or corporation shall be chargeable with the cost of placing said street in the condition same was found when said track was laid.

Sec. 6. EQUALIZATION OF ASSESSMENTS. In order to equalize the assessments on real estate for the purpose of improving the streets and sidewalks as hereinbefore provided for, whether the same be within the district known as the "fire limits" or within that district or section laid out as hereinbefore provided, the said city council shall take the total cost of paving, repaving, macadamizing or remacadamizing, together with the total cost of constructing or reconstructing concerte curbs and gutters, drainage conduit and drainage structures throughout the entire length of such work within each district, and shall then pro rate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or sidewalk or portion thereof so improved, and charge to and assess upon the real estate upon each side of the street upon which said work is done its pro rata share of the cost of such improvement made. Immediately upon the completion of the work upon any street or sidewalk ordered done by the city council under the provisions of this Act, the person in charge of said work shall make a report in writing to the city council showing the cost of paving, repaving, macadamizing or remacadamizing, together with the total cost of constructing or reconstructing concrete curbs and gutters, drainage conduit and drainage structures throughout the entire length of said work, with the number and description of the lots abutting on said street or sidewalk, or portion thereof so improved, together with the number of feet frontage of each of said lots. The city council, after receipt of said report, shall cause notice of the assessments against abutting property on any street or sidewalk in any improvement district or section to be given notice by advertisement at least once a week for two successive weeks, which notice shall be deemed to be full and sufficient notice to all property owners abutting on said street or sidewalk. Said notice shall state the time and place when, and where such assessments are to be made and determined, and shall notify all persons interested to appear and show cause, if any, why such assessments shall not be made. At said time and place said city council shall proceed to pro rate the costs of said work and assess said property as above provided; provided, however, that no assessment against any piece of property improved as herein allowed shall exceed in amount the enhancement in value of said property by reason of said improvement.

Sec. 7. ASSESSMENT TO CONSTITUTE LIEN ON RESPECTIVE LOTS; PAYMENT; SALE; DEED. The amount of the charges made against the landowners and assessed on the respective lots as hereinbefore provided for shall be and constitute liens on the respective lots upon which they are charged and assessed; the said amounts shall be placed in the hands of the tax collector for collection and any property owner shall have the right to pay the charges made as hereinbefore prescribed in ten equal annual installments from and after the adoption of the assessment ordinance, with interest thereon at six per cent (6%) per annum from the date that such assessment was made, in which case the amounts due shall be and remain a lien on the lot or lots against which they are charged and assessed until fully paid; provided, also, that any property owner may elect to pay said assessment in cash without interest, if same be done

within thirty days from and after the date that said city council shall make said assessment; provided, further, that in case there shall be a default in the payment of any annual installment for thirty days after the same shall become due, then and in that event the installments remaining, if any, shall become due and the tax collector may proceed to sell said lot or lots for cash to the highest bidder at the courthouse door of Iredell County, after advertisement for thirty days in some newspaper published in Statesville, and the said tax collector shall make a deed to the purchaser and out of the moneys arising from said sale pay off and discharge the amount charged and assessed on said lot or lots, together with the interest on the same and the cost of sale, and pay the surplus, if any, to the person or persons legally entitled to the same.

Sec. 8. LIEN BOOK; KEPT BY TAX COLLECTOR; OPEN TO PUBLIC. For the convenience of the public the tax collector shall keep in his office a lien book, in which shall be entered the location of the lots and street number, if known, upon which assessments have been made, the name or names of the reputed owners thereof, and the amount due on such assessments. This book shall be indexed and shall be open to the inspection of the public.

Sec. 9. APPEALS FROM ASSESSMENTS. Any person who shall feel aggrieved by the assessments made by said city council as herein provided for, shall have the right within thirty days after the assessments are made, and not after that time, to file his objections to said assessments, and to appeal from the decision of the city council to the next term of the Superior Court of Iredell County, by serving upon the City of Statesville notice in writing of his intention to do so, and specifying in said notice the grounds of his objections to said findings and by filing within said time with the Clerk of the Superior Court of Iredell County a written undertaking in the sum of two hundred dollars ($200.00), with sufficient surety to be justified before and approved by said Clerk, to the effect that said appellant will pay to said city all such costs and damages as it may sustain by reason of said appeal. In the case of an appeal from the decision of the city council, the ordinance laying out the improvement district, the action of the council in making or levying the assessment, and the objections of the property owner filed thereto, shall constitute the case on appeal. All of said papers shall be certified by the city clerk and treasurer to the Superior Court, and shall be docketed on the civil issue docket and stand at issue as other civil cases regularly brought in such court. If all issues be found in favor of the appellant on such appeal as above provided for, the lien for said assessments shall be discharged; if, however, the issues or any of them, be found in favor of the City of Statesville to any amount, then judgment shall be rendered in favor of said city for such amount, and the amount so found, together with the costs of the appeal (which costs shall be assessed as costs in other civil actions) shall be and continue a lien against the property upon which the original assessment was placed from the date of the commencement of said work or improve-

ment. Upon such appeal from the decision of the city council, all Sections and provisions of this Act shall be prima facie presumed to have been complied with.

Sec. 10. RIGHTS OF LIFE TENANT AND REMAINDERMEN. When any life tenant shall be compelled to pay the assessment upon any lot or lots, then said life tenant shall have the right to recover from the remaindermen of such part of said assessment as shall be in the same proportion to the whole of said assessment as the present cash value of the remainder is to the value of the lot or lots, and when the remaindermen shall be compelled to pay said assessment, then said remaindermen shall have the right to recover from the life tenant such part of said assessment as shall in the same proportion to the whole of said assessment as the present cash value of the life estate is to the value of the lot or lots.

Sec. 11. DEFINITION OF "COST", "FRONTAGE", "STREET", AND "SIDEWALK". The word "cost" whenever the same shall appear in this Article, shall be construed to mean the actual cost of the materials used in said work, together with all other costs incident to constructing said improvements, including the cost of all grading and excavation incident thereto. Any part of any lot in the City of Statesville, which abuts upon any street or sidewalk in said city, shall be construed to be "frontage" within the meaning of this Article. Provided, further, that the word "street" or "sidewalk" shall mean the entire area defined by the street or sidewalk rights of way and not just that portion of said rights of way upon which actual improvements have been constructed.

ARTICLE XVIII. CONDEMNATION PROCEEDINGS

Section 1. POWER TO PURCHASE AND CONDEMN LAND; PROCEDURE FOR CONDEMNATION. When, in the opinion of the city council, any land, right of way, privilege or easement shall be required for the purpose of opening new streets or of extending or widening those already open, or for the extension and maintenance of the drainage, sewerage or water systems of the City of Statesville or for the extension and maintenance of the light, distribution or power system of said city, or for any other public purpose, said city may purchase the same from the owner or owners thereof and pay such compensation therefor as may be agreed upon; but if said city or said council shall be unable to agree with the owner or owners thereof upon the amount of compensation, condemnation of such land, right of way, privilege or easement therein for such public use, may be made in the manner hereinafter set forth.

Sec. 2. PROPOSED CONDEMNATION; ORDER OF THE CITY COUNCIL. When it is proposed to condemn any land, rights, privileges or easements for the purpose herein specified, an order or resolution of the city council at a regular or special meeting of the city council shall be made, stating generally or as near as may be, the nature of the improvements for which the land, rights, privileges or easements are required.

Sec. 3. PETITION TO BE FILED WITH CLERK OF SUPERIOR COURT. The city shall file with the Clerk of the Superior Court of Iredell County its verified petition praying for the appointment of commissioners to appraise and value the real property or rights, privileges

or easements proposed to be taken or condemned for the purpose aforesaid, and to ascertain and report to the court what sum should be paid to the owner or owners as damages for the property, rights, privileges or easements so taken, the said assessments to be made by the commissioners according to the value of the property, rights, privileges or easements to be acquired for public use. The petition shall set forth and describe the particular property rights, privileges or easements proposed to be taken or condemned for the purpose aforesaid, and shall also state the names and residences of the owner or owners thereof and of the person who may have any interest therein, which may be effected by the said condemnation, and whether any of the said owners are minors, with or without guardians.

Sec. 4. SUMMONS TO PARTIES INTERESTED; PROCEEDINGS. Upon the filing of said petition, the Clerk of the Superior Court shall issue a summons to the parties interested in the lands, rights, privileges or easements described in the petition, requiring them to appear at his office in the courthouse of said county, on a day at least ten days after the service of the said summons, and answer or otherwise plead to the petition, and the said proceedings shall be conducted in all respects as are other special proceedings, and the clerk may issue process and make publication for parties and appoint guardians in like manner as provided by law in the case of special proceedings.

Sec. 5. APPOINTMENT OF COMMISSIONERS; DUTIES; REPORT; EXCEPTIONS TO REPORT; APPEAL. If the clerk shall find that the property, rights, privileges or easements described in the petition are required for public use, he shall make an order appointing three disinterested and competent freeholders of Iredell County to ascertain and assess the value of the property, rights, privileges or easements proposed to be taken and the damages to be paid to the owner or owners thereof by said city. The clerk shall issue a notice of their appointment to the said freeholders, to be served upon them by the sheriff of the county, and when so notified they shall, within five days, go upon the premises and ascertain the value of the lands, rights, privileges or easements proposed to be taken or condemned for public use, determine by a majority vote the amount of damages to be paid for the same and make a report of their findings in writing to the Clerk of the Superior Court of Iredell County, within five days after they view the premises. Before making such report they may take the evidence of witnesses offered as to any values to be assessed; that if any party to the proceedings shall be dissatisfied with the report of the commissioners, he may file exceptions thereto with the Clerk of the Superior Court within ten days after the filing of said report with said clerk; and all issues of fact and law raised before the clerk in said proceedings and upon said exceptions shall be transferred to the Superior Court for trial in like manner as provided in the case of other special proceedings; and the trial of said issues shall have precedence over all other civil cases or matters on the docket of said court. From the judgment of the Superior Court rendered in said proceedings any of the parties may appeal to the Supreme Court; provided, how-

ever, that no appeal shall hinder or delay the said city in opening such streets, in constructing such lines or erecting such improvements.

Sec. 6. CONSIDERATIONS GOVERNING ASSESSMENTS. In making the valuation and assessment aforesaid, the commissioners shall take into consideration the loss or damage that may accrue to the owner or owners by reason of the land, right of way, privilege or easement being surrendered, and also any benefit or advantage such owner may receive from the placing, maintaining, extending or constructing of the proposed improvements for which said land, right of way, privilege or easement shall be required, and shall ascertain the amount of loss or damage in excess of the said benefit or advantage, or the value or amount of such benefit or advantage in excess of loss or damage, as the case may be; that the value of any benefit or advantage to any lot or land arising from the placing, maintaining, extending or constructing of the proposed improvements accruing to said lot or other land may be assessed by said commissioners against the lot or land and shall be a lien thereon.

Sec. 7. POWERS OF COURT. In all cases of appraisal under this Act where the mode or manner of the proceedings is not expressly or sufficiently provided for herein, the court before which such proceedings may be pending shall have the power to make all necessary orders and give proper directions to carry into effect the object and intent of this Act and the practice and procedure in such cases shall conform as near as may be to the ordinary practice and procedure in such court.

Sec. 8. TRANSFER OF OWNERSHIP NOT TO DELAY PROCEEDINGS. No change of ownership or transfer of the real estate or any interest therein or of the subject matter of the appraisal or any part thereof shall in any manner affect such proceedings after the same has been instituted, but the same may be carried on and perfected as if no conveyance or transfer had been made or attempted to be made.

Sec. 9. DEFECTIVE TITLES; NEW PROCEEDINGS TO PERFECT TITLE; POSSESSION BOND. If at any time after the attempt to acquire such property or rights by appraisal of damages or otherwise, it shall be found that the title to said property or rights proposed to be taken or condemned or which have been acquired and condemned, are defective, said city may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made; and at any stage of the new proceedings the court may authorize the petitioner if in possession of the said property or rights, to continue in possession of the same, and if not in the possession to take possession and use such property or rights during the pending and until the final conclusion of such new proceedings, upon such petitioner paying into court a sufficient sum or giving security as the court may direct for damage, which may be finally assessed and recovered against it.

Sec. 10. RIGHT OF CITY TO RECOVER PAYMENTS ON DEFECTIVE TITLES. If the title to any property or rights, privileges or easements condemned in any proceedings instituted under this Article shall prove defective, the city may by action recover of the party or person who has received the money or compensation for the property, rights, privileges

or easements so condemned any loss or damage it may have sustained by reason of said defect of title, not exceeding the amount so paid as compensation.

Sec. 11. SERVICE OF SUMMONS. The summons in the proceedings begun hereunder shall be served in the same manner and way as is provided for the service of summons in special proceedings.

Sec. 12. TITLES TO VEST IN CITY. The title to any real estate, rights, privileges or easements which have been condemned under the provisions of this Act shall vest in the said city upon its paying into court, or to the parties entitled to receive same, the amount of compensation or damages recovered against it, together with the costs adjudged to be paid by it in said proceedings and upon its further compliance with the judgment of the court.

ARTICLE XIX. PARKING METERS

Section 1. AUTHORITY OF GOVERNING BODY TO PROVIDE FOR INSTALLATION. For the purpose of regulation and limitation of vehicular traffic and parking in the City of Statesville, the governing body of the City of Statesville is authorized and empowered, in its discretion, to enact ordinances providing for a system of parking meters in said City of Statesville which shall be designed to promote traffic regulation and requiring a reasonable deposit not in excess of five cents (5¢) per hour from those who park vehicles or motor vehicles for stipulated periods of time in those areas in said City of Statesville in which it is determined by the governing body that the congestion of traffic or vehicular traffic is such that public convenience and safety demands such regulation.

Sec. 2. DISPOSITION OF PROCEEDS FROM METERS. The proceeds derived from the use of such parking meters in the City of Statesville shall be set up and maintained in a special account and fund, and one-half of such proceeds may be used for the establishment and maintenance of such parking meters and for making such regulation effective or for any other purpose in the discretion of the City Council of the City of Statesville; the remaining one-half of such proceeds shall be used for the establishment, maintenance and operation of any and all recreational facilities of the City of Statesville, including play grounds, recreation centers and the acquisition of lands or buildings for such purposes.

Sec. 3. APPLICABILITY OF CHAPTERS 20 AND 136 OF THE GENERAL STATUTES. Nothing contained in Chapter 20 of the General Statutes of North Carolina or in Chapter 136 of the General Statutes of North Carolina shall be construed as in any way affecting the validity of parking meters in the City of Statesville or the fees required in the use thereof.

ARTICLE XX. PLANNING AND ZONING INSIDE AND OUTSIDE CORPORATE LIMITS

Section 1. PURPOSE, AUTHORITY, AREA DEFINED. That for the purpose of promoting the orderly growth, expansion and development of the City of Statesville and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals or general welfare of the citizens of the City of Statesville and of the territory and

community beyond and surrounding the corporate limits of the said municipality, as hereinafter defined, the governing body of the City of Statesville is hereby authorized and empowered to adopt such ordinances and regulations as may be considered necessary or expedient by the governing body of the City of Statesville to regulate, control and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, not only within the corporate limits of the City of Statesville, but, also, when specifically provided by the terms of any such ordinance, within the territory and community beyond and surrounding the corporate boundaries of the City of Statesville, as now or hereafter fixed, for a distance of one mile of and beyond such corporate boundaries in all directions or any part thereof; and within the aforesaid territory within and beyond the corporate boundaries, the governing body of the City of Statesville is hereby authorized and empowered to exercise any and all powers of planning and/or zoning conferred upon the City of Statesville and vested in its governing body by the Charter of the City of Statesville, and/or the General Statutes of North Carolina, as amended from time to time, including but not being limited to the provisions of Article 14 of subchapter 1 of Chapter 160 of the General Statutes, and/or by any other statute applicable to the City of Statesville, to the same extent and according to the same methods of procedure as applicable to planning and/or zoning within the corporate limits of the City of Statesville.

Sec. 2. PLANNING BOARD ENLARGED. That at the time the governing body of the City of Statesville authorizes the planning board of the City of Statesville to prepare a recommended zoning ordinance for the territory beyond the corporate limits for a distance of one mile in all directions or any part thereof, said governing body shall appoint four (4) residents of the territory beyond the corporate limits of the City of Statesville and within one mile thereof or the territory affected, to serve as members of the City of Statesville's planning board in addition to the regularly appointed members. The additional members of the planning board so appointed who are residents of the territory beyond the corporate limits shall have equal rights and privileges with the other members of the City of Statesville's planning board only in matters pertaining to the zoning of the territory surrounding and beyond the corporate limits of the City of Statesville within a distance of one mile in all directions or any part thereof, and the term of office of the members who are residents of the territory beyond the corporate limits shall terminate at the time a zoning ordinance for the territory beyond the corporate limits of the City of Statesville is enacted by the governing body of the City of Statesville.

Sec. 3. BUILDING PERMIT REQUIRED; NO FEE. The governing body is further authorized in order to properly enforce the provisions of any planning or any zoning ordinance that may be enacted affecting the area beyond the corporate limits as defined herein, to require that prior

to the beginning of any construction, reconstruction or alteration of any building or structure that a permit be obtained therefor from the building inspector of the City of Statesville. The permit shall be issued by said building inspector if the proposed structure complies with such requirements as may have been adopted by the governing body of the City of Statesville for the area whereon the structure is to be situated. No fee shall be charged for such permits.

Sec. 4. PUBLIC HEARING REQUIRED. The governing body of the City of Statesville, shall enact no ordinance or ordinances under the provisions of this Article without first holding a public hearing.

Sec. 5. ZONING INSIDE CORPORATE LIMITS. The last proviso appearing in G. S. 160-173 shall not apply to the City of Statesville in Iredell County.

ARTICLE XXI. CIVIL SERVICE BOARD

Section 1. CREATED; TERM OF OFFICE. There is hereby created a civil service board of the City of Statesville, to consist of three members who shall serve for a term of three (3) years each, or until his successor is duly appointed and qualified, as hereinafter provided.

Sec. 2. PRESENT MEMBERS TO CONTINUE TO SERVE. The present members of the civil service board shall continue to serve until their successor is duly appointed and qualified as hereinafter provided.

Sec. 3. APPOINTMENT OF SUCCESSORS; VACANCIES; REAPPOINTMENT. At the expiration of the term of each member now serving on the civil service board, his successor shall be appointed by the Resident Judge of the Superior Court of the judicial district, of which Iredell County is a part, and such successor shall serve for a period of three (3) years. Any vacancy occurring on said board, regardless of the cause thereof, shall be filled by the said resident judge as herein provided, and the term of any person appointed to fill a vacancy shall expire upon the expiration of the term of the person in whose place he was appointed. No member of the civil service board shall be eligible for reappointment at the end of a regular three-year term.

Sec. 4. ELIGIBILITY OF MEMBERS; OATH; REMOVAL FROM OFFICE. Any person other than a member of the city council or any elective officer, who is a qualified voter in the municipal elections in the City of Statesville, and who is not a member or employee of the police or fire department, or an employee of the City of Statesville shall be eligible for membership on the civil service board; provided, that at least one of the said members shall be a member of the Republican party. Each member of the civil service board shall take oath (or affirmation) for the faithful discharge of the duties of their office. The members of the civil service board shall be subject to removal from office by the Resident Judge of the Superior Court for malfeasance in office, or for neglect or violation of any official duty in connection with the civil service board, or for any violation of the laws of the State of North Carolina, for any cause which in the discretion of the said resident judge, makes such removal to the best interests of the public.

Sec. 5. ELECTION OF CHAIRMAN AND SECRETARY; TERM; DUTIES OF SECRETARY; RECORDS OPEN TO PUBLIC. The civil service board shall have authority to elect from its members a chairman and a permanent secretary, who shall hold office for one year, subject to re-election upon the approval of the civil service board. The secretary shall keep the minutes of the proceedings of the civil service board and shall be the custodian of all the papers and records pertaining to the business of the board, and shall keep an accurate record of all examinations held and the results thereof, and shall perform such other duties as the board shall prescribe or direct. All of the records of the civil service board shall be open to inspection by the public at all times.

Sec. 6. POWERS AND DUTIES GENERALLY; RULES AND REGULATIONS. The civil service board shall establish and fix requirements of applicants for employment in the police department and the fire department of the City of Statesville, and shall make all such general rules and regulations for requirements of applicants, the conduct and the services of the employees of the said departments as it may deem advisable; said rules and regulations shall be printed and made available for public inspection and for the use of the employees of, and applicants for, employment in said departments.

Sec. 7. COMPENSATION OF CIVIL SERVICE BOARD. The members of the civil service board shall receive as compensation for each meeting the same rate of pay as the members of the city council.

Sec. 8. ROOMS, CLERICAL HELP, ETC., TO BE PROVIDED BY THE CITY. The city shall provide suitable rooms in the city hall for the civil service board and shall provide all necessary clerical and stenographic help and all stationery, forms, and other supplies needed by the civil service board, and shall allow such reasonable use of the facilities of the city hall for the holding of examinations, and such other use as may be necessary for the proper conduct of its affairs.

Sec. 9. EXAMINATION OF APPLICANTS FOR POSITIONS IN POLICE AND FIRE DEPARTMENT. All applicants for positions in the police department or fire department of the City of Statesville shall be subject to an examination by the civil service board, which examination shall be competitive and open to all persons who are qualified voters of the City of Statesville or County of Iredell, subject to a reasonable limitation as to residence, age, health, moral character and general reputation, which said examination shall relate to those matters which will fairly test the relative ability of the person examined to discharge in a proper fashion the duties of the position which he seeks to be appointed to, and shall include tests of physical, mental and moral qualifications, but no applicant shall be examined concerning his political opinions or affiliations, however if a county applicant is accepted who lives outside of the City of Statesville at the time of his or her examination, he or she must then move within the city limits not later than 90 days from the time he or she actually goes on the force; provided, however, that all things being equal city applicants will be given priority over county applicants. Due regard shall be given by the civil service board in its examination of applicants for

positions in the police department and fire department to the experience or training of any applicant which may fit him for the duties which he would be called upon to discharge as a member of the said department and the findings of the civil service board shall be conclusive.

Sec. 10. NOTICE OF TIME AND PLACE OF EXAMINATIONS. Notice of the time and place of every examination shall be given by the civil service board by publication daily for one week immediately preceding such examination in some newspaper published in the City of Statesville, State of North Carolina; said notice to set forth the number and kind of vacancies in the said department which shall be filled by the civil service board.

Sec. 11. REGISTER TO BE KEPT; GRADING OF EXAMINATIONS; APPOINTMENTS ON BASIS OF GRADES; RULES FOR EXAMINATIONS. The civil service board shall prepare and keep a register of persons successfully passing the examinations given by them, such persons to be graded according to their respective showing upon said examinations; and the civil service board shall make appointments to vacancies which occur in the said departments on a basis of the grades made by the various applicants upon the examinations so given. All examinations given by the civil services board shall be made under the rules and regulations established by the civil service board.

Sec. 12. NAMES TO BE STRICKEN FROM ELIGIBLE LIST AFTER TWO YEARS; EXCEPTION. All names on the eligible list which shall have remained on said eligible list for a period of two (2) years, shall be stricken therefrom; provided, however, any person who becomes eligible for appointment to either the police department or fire department, is given proper notfiication that a vacancy exists, shall have seven (7) days to accept or reject said appointment and if he rejects same, his name shall be removed immediately from the eligibility list.

Sec. 13. COMPOSITION OF POLICE DEPARTMENT. The police department of the City of Statesville shall consist of a chief and such number of policemen and other personnel as the city council shall in its discretion deem sufficient to provide security and exercise the police powers in the City of Statesville. The members of the police department shall be of such grade and classification as the civil service board, in its discretion, deems necessary for the efficient functioning of said department.

Sec. 14. COMPOSITION OF FIRE DEPARTMENT. The fire department of the City of Statesville shall consist of a chief and such number of firemen and other personnel as the city council in its discretion deems necessary and sufficient to maintain and operate the fire fighting equipment, to provide for fire prevention and to afford fire protection for the City of Statesville. The members of the fire department shall be of such grade and classification as the civil service board shall, in its discretion, deem necessary for the efficient functioning of said department.

Sec. 15. APPOINTMENT OF MEMBERS OF POLICE DEPARTMENT; RESPONSIBILITY OF POLICE TO MAYOR AND COUNCIL. The chief and members of the police department of the City of Statesville shall be appointed by a majority vote of the civil service board. The

chief of the police department and the members of said department shall be under the direction and control of, and shall be directly responsible to, the mayor and city council for the proper enforcement of the laws of the State of North Carolina and the city.

Sec. 16. APPOINTMENT OF MEMBERS OF FIRE DEPARTMENT; RESPONSIBILITY OF FIREMEN TO MAYOR AND COUNCIL. The chief and members of the fire department of the City of Statesville shall be appointed by a majority vote of the civil service board. The chief of the fire department and the members of said department shall be under the direction and control of, and shall be directly responsible to, the mayor and city council for the proper maintenance and operation of the fire fighting equipment and for providing methods, and the training of members of said fire department in the proper methods, of fire fighting technique to the end that ample fire protection will be afforded the residents of the City of Statesville.

Sec. 17. SUSPENSION OF CHIEF OF FIRE DEPARTMENT AND POLICE DEPARTMENT. The city council or the civil service board shall have the power to suspend from office the chief of the police department or the chief of the fire department for malfeasance in office, drunkenness, dishonesty, neglect of official duty, or for failure to obey the orders duly issued to him by the city council. In case of such suspension of the chief of the police department or the chief of the fire department by the city council, the city council shall certify such action on their part in writing, together with a statement of the cause, or causes, for the said suspension to the civil service board, which shall, within ten days from the receipt of such certificate, either over-rule such suspension and restore said chief to duty, or shall confirm such suspension, take such additional action as in its discretion shall see fit, and proceed immediately to the election or appointment of a new chief of said department. The civil service board shall notify the city council of the action taken.

Sec. 18. PROMOTIONS: DIRECTION AND CONTROL OF DEPARTMENTS; SUSPENSION OF EMPLOYEES AND MEMBERS; INVESTIGATION OF CHARGES. All promotions within the police department or the fire department of the City of Statesville shall be made by the chief of each department, by and with the approval of the civil service board, and the members of the said departments shall be under the control and direction of the respective chief of each department, who shall be held responsible for the proper conduct of the affairs of his respective department; the chief of the police department and the chief of the fire department or the civil service board may suspend any employee or member of their respective departments for any misconduct in office, drunkenness, dishonesty, insubordination, or for the infraction of any rules laid down by the civil service board, pending an investigation by the civil service board, such suspension shall not exceed fifteen days at one time. In case of such suspension of any officer, as provided in this Article, the civil service board shall make a thorough investigation into the charges made against said member or employee, and shall hear any complaint which may be made against the said police officer, member of the fire depart-

ment, or other employees, by any citizen or official of the City of Statesville; and the civil service board may dismiss, remove or discharge any police officer, member of the fire department, or other employee of said departments upon the conclusion of any such hearing for the causes herein set out, after first giving the accused ample opportunity to be heard and present evidence in his own behalf.

Sec. 19. CHIEF OF EACH DEPARTMENT TO MAKE MONTHLY REPORT. During each and every calendar month the chief of the police department and the chief of the fire department shall prepare and submit to the city council and to the civil service board a statement of the conduct of the affairs of their respective departments, and said report shall contain any suggestions for improvement in the service of personnel of said departments. Said reports shall be kept in the files of the civil service board and in the files of the city council and shall constitute an official record.

Sec. 20. SALARIES OF POLICE AND FIRE DEPARTMENTS; EXPENSES OF BOARD, ETC. The civil service board may recommend to the city council the salaries to be paid to the chief and other members of the police department and the fire department of the City of Statesville and the city council shall fix the compensation of the members of the police department and the fire department according to the various grades and classifications of the several positions. The city council shall provide and include in the budget of the city sufficient funds to pay the salaries of the personnel of the police department and the fire department and the other expenses incident to the proper functioning of the said departments and of the civil service board. The compensation of all the employees of the police department and the fire department shall be paid by the city clerk and treasurer on the same date as other city employees.

Sec. 21. EQUIPMENT AND SUPPLIES OF POLICE DEPARTMENT TO BE FURNISHED BY CITY COUNCIL. It shall be the duty of the city council to furnish to the police department and to the officers and employees thereof all equipment and supplies, including wireless telephone, and/or radio broadcasting equipment, and/or to contract with Iredell County, North Carolina, for joint use of its facilities, necessary and helpful to the proper performance of their office.

Sec. 22. FIRE FIGHTING EQUIPMENT, ETC., TO BE FURNISHED BY CITY COUNCIL. It shall be the duty of the City Council of the City of Statesville to furnish to the chief of the fire department and to the firemen and employees thereof all fire fighting equipment, trucks, alarm system, and any other equipment and supplies necessary and helpful to the proper performance of their duties and sufficient to afford ample fire protection to the City of Statesville.

Sec. 23. POLITICAL ACTIVITIES OF MEMBERS OF POLICE AND FIRE DEPARTMENTS. No member or employee of the police department or the fire department of the City of Statesville shall take any part in any election or political function other than that of exercising his rights of suffrage, and the civil service board is hereby empowered to

summarily dismiss any member or employee of the police department or the fire department who shall be guilty of conduct in the violation of this Section.

Sec. 24. ANNUAL REPORT OF CIVIL SERVICE BOARD. During the first month of each calendar year the civil service board shall make an annual report of its action for the preceding year to the Resident Judge of the Superior Court, such report shall include all rules and regulations in force.

Sec. 25. PRESENT PERSONNEL TO SERVE. The present chiefs and members of the police department and the fire department of the City of Statesville shall continue to serve in their respective capacities until removed as provided for in this Article.

ARTICLE XXII. MISCELLANEOUS

Section 1. OFFICIAL BONDS. In all instances where an officer or employee of the City of Statesville is required by this Act, or ordinance of said city, to furnish bond for the faithful performance of his duties, and/or for a proper accounting of funds of said city, the premiums upon such bonds or bond shall be paid by said city. The said bonds shall be renewed annually.

Sec. 2. NO LEVY ON CITY PROPERTY OR FOR CITY DEBTS. No levy shall be made on any property belonging to the city, nor shall any levy be made on the property of any individual for any debt due by the city, but all such debts shall be paid only by taxation upon subjects taxed by said city.

Sec. 3. AUTHORITY TO SELL PROPERTY. The city council shall have power, by vote of two-thirds of the councilmen present, to sell at public auction to the highest bidder for cash after thirty days' notice, any real property belonging to the city, and when authorized, a quitclaim deed or a bargain and sale deed without warranty for the said real estate may be executed by the mayor and attested by the city clerk, with the corporate seal of the city attached; provided, however, that this Section shall not apply to plots in the cemetery, deeds for which shall be executed by the mayor.

Sec. 4. AUTHORITY TO SELL CERTAIN LAND.

(a) The governing body of the City of Statesville in the exercise of its discretion, is authorized and empowered to sell and convey at private sale to the Board of Education of Iredell County, the Statesville City School Board, bodies politic, and its successors and assigns, for a consideration to be agreed upon by the governing body of the City of Statesville and said bodies politic, any surplus real estate owned by the City of Statesville.

Sections 2 and 59 of Chapter 160 of the General Statutes of North Carolina, to the extent that they conflict with this Act, shall not apply to the City of Statesville.

(b) The City of Statesville is authorized to sell at private sale the following property:

Tract I: Property acquired from H. C. King and wife, Beatrice R. King, dated February 3, 1956.

Tract II: Property acquired from W. A. Campbell and wife, Leona Campbell, dated February 18, 1956.

Tract III: Property acquired from C. R. King and wife Iva Lee M. King, dated February 3, 1956.

Tract IV: Property acquired from C. R. King and wife, Iva Lee M. King, dated February 3, 1956.

Tract V: Property acquired from W. P. Payne and wife, Geneva M. Payne, dated April 28, 1956. A five-sixths (5/6) undivided interest in said property, as well as the one-sixth (1/6) undivided interest which the city does not now own if and when the city does acquire title to the outstanding one-sixth (1/6) undivided interest aforesaid.

Sec. 5. AUTHORITY TO SELL POWER LINES. The City Council of the City of Statesville shall have the power to sell at public or private sale, either to the highest bidder or upon sealed bids, any power lines and right of ways lying outside of the corporate limits of the City of Statesville and now owned by the City of Statesville and apply the proceeds as said city council in its discretion may deem for the best interest of the City of Statesville; provided, that the City Council of the City of Statesville shall have first determined by resolution that such power lines are surplus and not needed to serve the residents of the City of Statesville.

Sec. 6. NOTICE OF INJURY BEFORE SUIT INSTITUTED AGAINST CITY. No action for damages against said city of any character whatever, to either person or property, shall be instituted against said city unless within ninety days after the happening or infliction of the injury complained of, the complainant, his executors or administrators, shall have given notice to the city council of said city of such injury in writing, stating in such notice the date and place of the happening or infliction of such injury, the manner of such injury, the character of the injury and the amount of damages claimed therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of the happening or infliction of such injury, or in any manner interfere with its running.

Sec. 7. GENERAL STATUTES NOT APPLICABLE. The provisions of 147-8 and 147-9 of the General Statutes and amendments thereto shall not apply to the City of Statesville.

Sec. 8. BIRD SANCTUARY. The territory within the corporate limits of the City of Statesville, in Iredell County, is hereby declared to be a bird sanctuary. It shall be unlawful for any person to kill, trap or otherwise take any bird within the corporate limits of the City of Statesville except English Sparrows, Great Horned Owls, Cooper's Hawks, Sharp-skinned Hawks, crows, starlings, pigeons, and domesticated fowls.

Sec. 9. CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS. All contracts entered into by the city, or for its benefit, prior to the taking effect of this Act, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this Act takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and charter provisions.

Sec. 10. PENDING ACTIONS AND PROCEEDINGS. No action or proceeding, civil or criminal, pending at the time when this Act shall take effect, brought by or against the city or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this charter or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may by or under this charter be assigned or transferred to another office, department or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this charter.

Sec. 11. RIGHTS OF OFFICERS AND EMPLOYEES PRESERVED. Nothing in this Act contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the city or of any office, department or agency existing at the time when this charter shall take effect, or any provision of law in force at the time when this charter shall take effect and not inconsistent with the provisions of this charter, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city or any office, department or agency thereof.

Sec. 12. OFFENSES COMMITTED AND PENALTIES INCURRED. No offenses committed and no penalties or forfeitures incurred under any of the Acts or ordinances hereby repealed, and before the time and when such repeal shall take effect, shall be affected by the repeal; provided, further, that no law heretofore repealed shall be revived by the repeal of any Act repealing such law.

Sec. 13. GENERAL LAWS APPLY. All questions arising in the administration of the government of said city and not provided for in this Act shall be governed by the laws of the State, and nothing in this Act shall be deemed as limiting any powers given to municipal corporations by the Constitution and laws of North Carolina.

Sec. 14. SEPARABILITY CLAUSE. If any Section or part of Section of this Act shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such Section or part of Section so held invalid may appear, except to the extent that an entire Section or part of Section may be inseparably connected in meaning and effect with the Section or part of Section to which such holding shall directly apply.

Sec. 15. EFFECT OF THIS CHARTER ON EXISTING LAW; REPEALING CLAUSE.

(a) All laws and parts of laws relating to or affecting the City of Statesville in force when this charter shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this Act;

(b) Insofar as the provisions of this Act are the same in terms or in substance and effect as provisions of law in force when this Act shall

take effect, relating to or affecting the City of Statesville, the provisions of this Act are intended to be not a new enactment but a continuation of such provisions of law, and this Act shall be so construed and applied.

(c) The repeal of any laws as provided for in (a) hereof shall not annul any ordinances, bylaws or rules of the corporation unless the same be inconsistent with this Act, nor shall such repeal affect any Act done or the right accruing or accrued or established or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estates, duty or obligation possessed by or due to the corporation by its present name, from any corporation or person whatsoever be lost, affected or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the corporation by the name of the City of Statesville, nor shall such repeal in any manner impair the validity of bonds which have heretofore been issued by said City of Statesville.

Sec. 16. EFFECTIVE DATE. This Act shall become effective the 30th day of June, 1959.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 678 CHAPTER 668

AN ACT TO AMEND CHAPTER 108 OF THE GENERAL STATUTES TO INSURE THAT AID TO DEPENDENT CHILDREN GRANTS ARE USED TO BENEFIT THE CHILDREN.

WHEREAS, the Aid to Dependent Children Program has been created for "the care and relief of dependent children who are in need and who are unable to provide for themselves"; and

WHEREAS, in some cases assistance granted under the Aid to Dependent Children Program has not been used by the payee of such assistance in accordance with the purposes for which the program was created; and

WHEREAS, it is the intent of the General Assembly of North Carolina that the assistance granted be used in a manner consistent with the purposes for which the program was created and that the assistance actually reaches the needy dependent children: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Chapter 108 of the General Statutes is hereby amended by adding thereto a new Section following Section 108-63, to be numbered 108-63.1, and to read as follows:

"Sec. 108-63.1. Supervision of assistance in certain cases. Whenever a county board of welfare determines that the recipient of assistance payments granted under the provisions of Part 2 of this Article, entitled the Aid to Dependent Children, Act has not used said assistance to provide food, shelter, clothing, household and medical supplies, and other necessities, which are required for the care and support of the dependent child or children who are the intended beneficiaries of the assistance, or of the needy relative with whom such child or children live, then the county wel-

fare board shall enter an order requiring the county superintendent of public welfare to supervise the expenditure of such assistance payments by the recipient, to cause such assistance to be used for the aforementioned necessities, and the superintendent shall comply with said order. Said supervision may include conferences with the recipient, preparation of monthly budgets for the recipient, requiring reporting on such expenditures by the recipient, and otherwise directing the expenditure of the assistance in accordance with such budgets.

"Following the entry of the order requiring the superintendent to supervise the expenditure of the assistance, the county board of welfare shall cause notice thereof to be served on the recipient. If the recipient objects to the order, he may appear at the next meeting of the board held not less than five days after service of notice of the order upon the recipient, and, in such event, the superintendent shall not begin the supervision of the expenditures of the assistance until further order by the board. If, after hearing the recipient, the board reaffirms the order directing the superintendent to supervise the expenditures of assistance, the recipient may appeal therefrom to the State Board of Allotments and Appeal, in the manner and form prescribed by the Board of Allotments and Appeal.

"The Board of Allotments and Appeal shall, upon receipt of such appeal, give the recipient and the county board of welfare reasonable notice and opportunity for a fair hearing. The decision of the State Board of Allotments and Appeal shall be final. In the event of such appeal, the order directing the superintendent to supervise the expenditures of assistance shall not be operative unless and until the State Board of Allotments and Appeal determines that the county board of welfare properly entered such order in accordance with the provisions of the Section.

"The county board of welfare may, at any time, rescind or terminate the order requiring the county welfare superintendent to supervise the expenditure of assistance. The supervision of expenditures provided in this Section shall continue until the order is terminated by the county welfare board."

Sec. 2. In the event that the Secretary of Health, Education, and Welfare notifies the State Board of Public Welfare that further payments of Federal funds to the State of North Carolina for aid to dependent children will not be made because the procedures provided by this Act are prohibited by the Social Security Act, as amended, or by other applicable Federal statutes, or by proper and authorized regulations having the force and effect of law, then and in that event no county board of welfare or county superintendent of public welfare shall take any further action pursuant to the provisions of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 731 **CHAPTER 669**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF SPRAY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Section 1. Incorporation and Corporate Powers. The inhabitants of the Town of Spray, North Carolina, within the boundaries as established in Section three of this charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name of the Town of Spray, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, hold, manage, and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina, or restricted by this charter, the Town of Spray shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Spray by this Section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire excess over that need for any such improvements, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the Board of Commissioners shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Spray shall have, and may exercise, all powers which, under the Constitution of North Carolina it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied,

shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners.

Sec. 3. Corporate Limits. The corporate limits of the Town of Spray shall be as follows:

Beginning at a point at the intersection of the present Leaksville city limit line with the present Spray Sanitary District line, said point being at the angle point formed by the intersection of the present Leaksville city limit line as it parallels Highland Drive 400 feet eastwardly therefrom, and said point being also 800 feet, more or less, in a northwardly direction from a concrete monument in the present Leaksville city limit line, said monument being about 400 feet eastwardly from Highland Drive in line with "A" Street projected eastwardly; and running thence from herein described beginning point in a northwestwardly direction with the present Leaksville city limit line 1500 feet, more or less, and crossing the Danville & Western Railway track to a concrete monument in the West line of Chestnut Street; thence continuing with the present Leaksville city limit line in a southwestwardly direction along Chestnut Street 350 feet, more or less, to a point; thence continuing with the present Leaksville city limit line in a northwestwardly direction and about parallel with Hollingsworth Street and being about 200 feet southwestwardly from the center line of said street, and crossing Church Street 4200 feet, more or less, to a point, said point being about 250 feet eastwardly from the center line of Hamilton Street and about in line with the southern margin of Fourth Street projected eastwardly, and running thence northwardly parallel with Hamilton Street and 250 feet eastwardly from the center line of said street about 2900 feet to the center line of Kendall Street; thence with the center line of said street in a westwardly direction about 100 feet to a point in Kendall Street, said point being about 150 feet eastwardly from the center line of Hamilton Street and running thence in a northwardly direction and parallel with the center line of Hamilton Street at a distance of 150 feet therefrom, crossing Morgan Ford Road, 3800 feet, more or less, to a point in the present Spray Sanitary District line, said point being 300 feet, more or less, in a northern direction from the center line of Morgan Ford Road, and continuing with the present Spray Sanitary District line about North 45 degrees East 200 feet, more or less, to a point; thence southeasterly and paralleling Morgan Ford Road (and being 420 feet from the center line of same) 2000 feet, more or less, to a point in line with the Mineral Spring Branch; thence with said branch as it runs to Smith River and crossing said river to the northeast bank 1500 feet, more or less, to a point; thence down along the North bank of said river in an eastwardly direction 2500 feet, more or less, to an ash tree (old Strong corner) near the northeast bank of Smith River; thence northeastwardly about 360 feet to an iron pipe, corner of old Bateman (now North Spray Subdivision) tract; thence North 14 degrees 54 minutes East 1468.5 feet to a white oak; thence North 87 degrees 37 minutes East with line of North Spray Subdivision, 471.4 feet; thence South 19 degrees East 643 feet with said subdivision; thence South 23 degrees 30 minutes West 856 feet with said subdivision; thence

North 81 degrees 09 minutes East about 300 feet to a point in the present Spray Sanitary District line, said point being 600 feet, more or less, in a westwardly direction from Summit Road, running thence approximately parallel with Summit Road about North 52 degrees East 1600 feet, more or less, to a point; thence about South 78 degrees East 750 feet, more or less, to a point; thence about North 82 degrees East 450 feet, more or less, to a point; thence about North 55 degrees East 400 feet, more or less, to a point; thence about South 35 degrees East crossing N. C. Highway #107, at approximately 425 feet and at a point approximately 400 feet northeast of the intersection of Summit Road and Cascade Road and running a total distance on same bearing of 850 feet, more or less, to a point approximately 425 feet southeast from the center line of N. C. Highway #107, and running thence approximately parallel with Cascade Road and 400 feet eastwardly therefrom, about South 55 degrees West 200 feet, more or less, to a point; thence about South 42 degrees West 1300 feet, more or less, to a point; thence South 22 degrees West 750 feet, more or less, to a point, thence about South 10 degrees West 2000 feet, more or less, to the southern edge of the right of way of the Danville and Western Railway, said point being approximately 400 feet eastwardly from the intersection of the old D. F. King and Spray Water Power and Land Company line with said Danville and Western Railway; thence with the southern edge of said right of way in a westwardly direction approximately 2500 feet to a point in the present Spray Sanitary District line on East side of Smith River, located near the trestle (D & W) crossing Smith River and 30 feet East of the high water line of said Smith River; thence down East side of Smith River and 30 feet eastwardly from its high water line, passing under highway bridge on N. C. Route #700, and continuing to a point, the said point being North 78 degrees 20 minutes East approximately 1050 feet from the angle point in the Leaksville corporate line produced by the angle of Highland Drive; thence South 78 degrees 20 minutes West approximately 1050 feet, cross Smith River to said angle point in Leaksville corporate line, the point of beginning."

BOARD OF COMMISSIONERS

Sec. 4. Creation, Salary, and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this charter all powers of the town shall be vested in a board of commissioners of five members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and the board of commissioners shall be for two years and until their successors are elected and qualified. If a vacancy occurs in the office of mayor or commissioners, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of commissioners. Each member of the board of commissioners shall receive a salary the amount of which shall be prescribed by ordinance. No ordinance fixing or changing the salary of members of the board of commissioners shall become effective during the current term of office of members of the board of commissioners enacting such ordinance. Members of the board of commissioners shall be qualified electors of the town. A member of the board of commissioners

ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office, shall immediately forfeit his office. Any seat on the board of commissioners which becomes vacant shall be filled by appointment of a qualified voter within the town, to be selected by a majority vote of the remaining members of the board of commissioners.

Sec. 5. Powers and Duties. All the legislative powers of the Town of Spray shall be exercised by the board. Every member of the board shall have the right to vote on any question coming before it. A majority shall constitute a quorum and a majority vote of all members present shall be necessary to adopt any motion, resolution or ordinance.

The board of commissioners shall from time to time establish rules for its proceedings. Regular and special meetings shall be held at a time and place fixed by ordinance or resolution. All legislative sessions shall be open to the public, and every matter put to a vote shall be duly recorded. A full and accurate journal of the proceedings shall be kept, and shall be open to the inspection of any qualified voter of the town.

Sec. 6. Mayor and Mayor Pro Tem. At its first meeting following a regular municipal election the board of commissioners shall choose one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Sec. 7. Board of Commissioners Rules. The board of commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the board of commissioners in any such case shall be subject to review by the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of its proceedings.

Sec. 8. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the board of commissioners only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects, or all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Spray."

Sec. 9. When Ordinances and Resolutions Take Effect; Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the board of commissioners shall take effect at the time indicated therein, but not less than 30 days from the date of passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health, or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least 4 members of the board of commissioners shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal, or extension of a franchise or other special privilege shall ever be passed as an emergency by the board of commissioners except as defined in this Section, and it is the intention of this charter that such definition shall be strictly construed by the courts.

Sec. 10. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within 10 days after final passage a notice of such ordinance shall be published or posted at least once in such manner as the board of commissioners may prescribe by ordinance.

NOMINATIONS AND ELECTIONS

Sec. 11. Municipal Elections. The regular election for the choice of mayor and members of the board of commissioners shall be held on Tuesday following the first Monday in May in odd-numbered years. The board of commissioners may by resolution order a special election, fix the time for holding the same and provide all means for holding such special election.

Sec. 12. Regulations of Elections. The board of commissioners shall make all needful rules and regulations not inconsistent with this charter, for the conduct of elections, for the prevention of frauds, and for the establishing of a polling place or places, and for the appointment of judges and registrars.

Sec. 13. Nominations. Any qualified elector of the town may be nominated for mayor or the board of commissioners by petition of any 5 electors of the town who shall be designated as his sponsors. No elector shall sign more than 1 such petition, and should an elector do so, his signature shall be void as to the petition or petition last filed. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. Nomination petitions shall be filed with the town clerk not earlier than 90 days nor later than 30 days before the election and shall be the following form:

"We, the undersigned 5 electors of the Town of Spray hereby nominate and sponsor ....., whose residence is ..... for the office of ..... to be voted for at the election to be held on the ..... day of ....., and we individually certify that we are qualified to vote for a candidate for ..... and that we have not signed any other nominating petition therefore.

Name ..... Street and Number .....
Name ..... Street and Number .....
Name ..... Street and Number .....
Name ..... Street and Number .....
Name ..... Street and Number .....

ACCEPTANCE OF NOMINATION

I hereby accept the nomination for ..... and agree to serve if elected.

Signature of candidate .....

Date of filing .....

This petition is filed by ..... whose address is ..... Street.

The town clerk shall take and preserve the name and address of the person by whom each nomination is filed. No nomination petition shall be accepted unless accompanied by a signed acceptance of the nomination. Any candidate may withdraw his nomination not later than the last day for filing nomination papers by filing a notice of withdrawal with the town clerk. Within 5 days after the filing of a nomination petition the town clerk shall notify the candidate nominated and the person by whom the petition was filed whether or not the petition is found to be signed by the required number of qualified voters. If a petition is found insufficient the town clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new petition may be filed for the same candidate. The petition of each candidate nominated to be mayor or a member of the board of commissioners shall be preserved by the town clerk until the expiration of the term of office for which he has been nominated.

The sponsors for each candidate for town commissioner shall be qualified electors in the area in which said candidate resides.

Sec. 14. Ballots. The full names of candidates nominated for mayor or the board of commissioners in accordance with the provisions of this charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the names next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Sec. 15. Election of Mayor and Board of Commissioners. The mayor and members of the board of commissioners shall be elected by the voters at large. All candidates in each instance up to the number to be elected who receive the highest number of votes shall be elected.

ADMINISTRATIVE SERVICE

Sec. 16. Appointment of Officers and Employees. The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary; provided, that the board of commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 17. Town Clerk. The town clerk shall keep the records of the board of commissioners and perform such other duties as may be required by law or the board of commissioners.

Sec. 18. Town Attorney. The town attorney shall be an attorney at law and shall be the legal advisor or attorney for the town and all departments and officers thereof in matters relating to their official powers and duties and, he shall perform any and all such duties as may be required of him by law or the board of commissioners.

Sec. 19. Duties of Town Tax Collector. The tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository all money belonging to the town.

Sec. 20. Duties of Town Treasurer. The town treasurer, if any, shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration or exchange.

Sec. 21. Issuance of Bonds. The town may issue bonds for the purposes and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Sec. 22. Purchase Procedure. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of commissioners may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than one thousand dollars ($1,000) shall be made on a

written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance.

Sec. 23. Contract for Town Improvements. Any town improvement costing more than one thousand dollars ($1,000) shall be executed by contract except where such improvement is authorized by the board of commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more that one thousand dollars ($1,000) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the board of commissioners shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of commissioners.

Sec. 24. Contracts Extending Beyond One Year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than 10 years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same were published in a newspaper of general circulation within the town at least 10 days before its passage by the board of commissioners.

Sec. 25. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon its completion. If an audit is required to be made by State officials under the provisions of State law for the inspection and audit of municipal accounts, the board of commissioners may accept such audit by the State as fulfilling the requirements of this Section.

MISCELLANEOUS PROVISIONS

Sec. 26. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Sec. 27. Personal Interest. Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies, or services, except on behalf of the town as an officer or employee. Any wilful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or cor-

poration contracting with the town shall render the contract voidable by the board of commissioners.

Sec. 28. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Spray and will faithfully discharge the duties of the office of .....".

Sec. 29. Continuance of Contracts. All contracts entered into by the town, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Sec. 30. Claims and Demands. All claims or demands against the City of Spray arising in tort shall be presented to the city board or to the city clerk, in writing, signed by the claimant, his attorney or lawful agent, within ninety (90) days after said claim or demand is due or the cause of action accrues; no suit or action thereon shall be brought within ten (10) days or after the expiration of twelve (12) months from the time said claim is so presented, and, unless the claim is so presented within ninety (90) days after the cause of action accrued and unless suit is brought within twelve (12) months thereafter, any action thereon shall be barred.

Sec. 31. Saving Clause. If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supersede all laws and ordinances not consistent herewith, insofar as the Town of Spray is affected thereby.

Sec. 32. Repealing Clause. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 33. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 740 CHAPTER 670

AN ACT TO EXEMPT SALES BY CHEROKEE INDIAN RESERVATION MERCHANTS FROM THE SALES AND USE TAX.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-164.13, as same appears in the 1958 Replacement Volume 2C of the General Statutes, is hereby amended by adding at the end thereof a new subsection to read as follows:

"(39) Sales by merchants on the Cherokee Indian Reservation when such merchants are authorized to do business on the Reservation and are paying the tribal gross receipts levy to The Tribal Council."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 888 CHAPTER 671

AN ACT RELATING TO THE LISTING OF BOATS FOR AD VALOREM TAX PURPOSES IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All persons, firms or corporations engaged in the business of renting space for the purpose of storing boats shall be required to assist the Tax Supervisor of Carteret County in preparing lists of boats for ad valorem tax purposes, and to furnish or submit to the tax supervisor, upon request, such information as he may desire concerning the number of boats located at boat yards or marinas and spaces leased or rented for such purpose, the name of the owner or owners of each boat, the address of such owner or owners, and a description of each boat (make, model, length) sufficient to enable the tax supervisor to identify it for tax purposes.

Sec. 2. Any person, firm or corporation, owning a boat yard or marina at which boats are stored, who fails to assist or cooperate with the tax supervisor in preparing or furnishing the required information, after written request by the tax supervisor, shall be guilty of a misdemeanor and upon a plea of guilty or conviction shall be fined not more than fifty dollars ($50.00) or imprisoned for not more than thirty (30) days.

Sec. 3. This Act shall apply only to Carteret County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 905 CHAPTER 672

AN ACT TO AMEND CHAPTER 252 OF THE PRIVATE LAWS OF 1935 RELATING TO THE ELECTION OF OFFICIALS OF THE TOWN OF FARMVILLE IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 252 of the Private Laws of 1935, is amended by striking out, in line 7, the word "thirty" and inserting in lieu thereof the word "forty".

Said Section is further amended by inserting, between the word "on" and the word "Saturday", in line 14, the word and figure "the 2nd".

Said Section is further amended by inserting, after the semicolon following the word "held" and before the word "that", in line 15, the following: "the 2nd Saturday before election shall be challenge day;".

Said Section is further amended by striking out, in line 22, the word "five" and inserting in lieu thereof the word "ten".

Said Section is further amended by striking out, in line 39, the word "third" and inserting in lieu thereof the word "fourth".

Sec. 2. Section 1 of Chapter 252 of the Private Laws of 1935 is amended by adding a new paragraph at the end thereof to read as follows:

"Separate ballots shall be prepared by the clerk, upon which the names of the candidates for mayor and those of the candidates for membership on the board of commissioners shall appear, which ballots shall contain sufficient explanatory matter to enable the electors to understand the same and to vote for the candidate or candidates of their choice. In voting for the candidates for membership on the board of commissioners, the elector shall cast his or her vote for as many candidates as there are offices to be filled, and where an elector votes for any number of such candidates less than the number of offices to be filled, such ballot shall not be counted for any of the group of candidates for the said offices. There shall be printed on this ballot the number of candidates to be voted for."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 911 CHAPTER 673

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BRUNSWICK COUNTY TO SELL CERTAIN REAL PROPERTY AT PRIVATE SALE AND TO VALIDATE SALES HERETOFORE MADE.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Brunswick County is hereby authorized and empowered, in its discretion, to sell and convey at private sale any real property owned by said county, which has been acquired by said county through tax foreclosure proceedings.

Sec. 2. All private sales of real property owned by the County of Brunswick heretofore made by the board of county commissioners of said county are hereby ratified, confirmed and validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 912 CHAPTER 674

AN ACT TO FIX THE COMPENSATION OF THE MAYOR, MEMBERS OF THE BOARD OF ALDERMEN AND OTHER OFFICIALS OF THE CITY OF SOUTHPORT IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Mayor of the City of Southport shall receive as compensation for the performance of the duties of his office the sum of thirty dollars ($30.00) per month. The members of the Board of Aldermen of the City of Southport shall receive the sum of ten dollars ($10.00) per month for the performance of their duties on said board. The clerk to said board of aldermen and the city treasurer shall receive as their compensation the sum of fifteen dollars ($15.00) per month. Provided, however, that if either the clerk or the city treasurer is a member of the board of aldermen, they shall not be entitled to compensation as aldermen but shall receive only the monthly compensation authorized herein for the clerk and city treasurer.

Sec. 2. Chapter 234, Private Laws of 1933, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 920 CHAPTER 675

AN ACT TO AUTHORIZE PITT COUNTY TO DEPOSIT PENALTIES AND INTEREST FROM DELINQUENT TAX COMMISSIONERS IN THE GENERAL FUND OF THE COUNTY.

WHEREAS, from time to time varying amounts of penalties and interest are collected by the tax collector of Pitt County, and

WHEREAS, it would entail complicated and numerous bookkeeping transactions to credit and deposit different percentages of these small amounts to the various funds for which they are levied; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The proceeds derived from the penalties and interest collected from delinquent taxpayers in Pitt County may be credited and deposited to the general fund of the county, and the auditor of Pitt County is hereby authorized, upon receipt of said interest and penalty proceeds, to credit and deposit them to the general fund of the county.

Sec. 2. This Act shall only apply to Pitt County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 923 **CHAPTER 676**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY AND THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO REFUND ANY TIME WITHIN TEN YEARS TAXES ILLEGALLY OR ERRONEOUSLY COLLECTED.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G. S. 105-405.1, the Board of County Commissioners of Cumberland County or the City Council of the City of Fayetteville is hereby authorized to refund any funds received by said county or municipality, which were required to be paid through clerical error or by a tax illegally levied and assessed, upon the taxpayer making demand in writing to the proper board for such remission and refund within ten years from the date the same was due to be paid.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 930 **CHAPTER 677**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A DEPUTY CORONER BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of the County of Mecklenburg is authorized to appoint a Deputy Coroner for the County of Mecklenburg, who shall have and possess all of the powers and authority of the duly elected county coroner at any time the coroner is unable to serve.

Sec. 2. Any deputy coroner appointed by the board of county commissioners pursuant to the provisions of this Act, before entering upon the duties of his office, shall take and subscribe to the oaths prescribed for public officers.

Sec. 3. Any deputy coroner appointed by virtue hereof shall receive for his service such compensation as may be prescribed by the board of county commissioners.

Sec. 4. Every deputy coroner appointed by virtue hereof shall execute an undertaking conditioned upon the faithful discharge of the duties of his office with good and sufficient surety in the penal sum of two thousand dollars ($2,000.00), payable to the State of North Carolina, and approved by the board of county commissioners.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 933 CHAPTER 678

AN ACT TO AMEND CHAPTER 974, SESSION LAWS OF 1957, RELATING TO THE LISTING AND ASSESSING OF PROPERTY FOR AD VALOREM TAX PURPOSES IN ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 974, Session Laws of 1957, is hereby amended by adding three new Sections immediately following Section 6 and immediately preceding Section 7, to be designated as Sections 6(a), 6(b) and 6(c), and to read as follows:

"Sec. 6(a). In lieu of mailing tax listing forms to the owners of property in the various townships, the Tax Commissioner shall have the authority to appoint an assistant in each township whose duty it will be to assist the taxpayers in each township in the listing of their property.

"Sec. 6(b). The Board of Commissioners may appoint two assistants to the Tax Commissioner, to assist him in the assessment or reassessment of real property.

"Sec. 6(c). The appointees under Section 6(a) and 6(b) shall receive such compensation as the Board of Commissioners may fix."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 934 CHAPTER 679

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ASHE COUNTY TO ALLOCATE FUNDS TO MUNICIPAL FIRE DEPARTMENTS WITHIN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Ashe County is authorized and empowered, from time to time, in its discretion, to allocate and pay to the fire department of any incorporated town within Ashe County such sums of money as it, in its discretion, may deem expedient for assistance in the proper equipment, maintenance, and operation of said fire departments.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 940 CHAPTER 680

AN ACT TO AMEND CHAPTER 293, PUBLIC-LOCAL AND PRIVATE LAWS OF 1941, AS AMENDED, AUTHORIZING MERGER OF HIGH POINT FIREMEN'S PENSION AND DISABILITY FUND WITH NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Chapter 293, Public-Local and Private Laws of 1941, as amended by Chapter 877 of 1957 Session Laws, is amended by adding at the end thereof the following proviso:

"Provided, that should sixty per centum (60%) of the members of said pension fund elect to become members of the North Carolina Local Governmental Employees' Retirement System, by a petition duly signed by such members, the Board of Examiners shall have the authority to:

"1. Refund to all firemen not retired at the time the Board of Examiners determines to come under the provisions of this Act an amount equal to the amount paid into the Firemen's Pension Fund by each such fireman to and including December 31, 1958.

"2. Transfer to the North Carolina Local Governmental Employee's Retirement System the total amount that the members of the fire department and the City of High Point would have contributed to the North Carolina Local Governmental Employees' Retirement System had the members of the fire department elected to become members of the North Carolina Local Governmental Employees' Retirement System on the same basis as other employees of the City of High Point on January 1, 1959.

"3. To continue to pay to existing pensioners of the pension system at the same rate, or if sufficient funds are available at an increased rate, if the Board of Examiners in its discretion determines that sufficient funds remain in said pension fund."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

H. B. 1022 CHAPTER 681

AN ACT PROVIDING FOR AN ELECTION IN THE TOWN OF BREVARD UPON THE QUESTION OF ADOPTING A MODIFIED PLAN "D" FORM OF GOVERNMENT SO AS TO PROVIDE FOR A CITY MANAGER, AND DEFINING HIS DUTIES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the Town of Brevard, North Carolina, shall cause a special election to be held in the Town of Brevard prior to July 1, 1959, for the purpose of submitting to the qualified voters

of the Town of Brevard the following amendments to the Charter of the Town of Brevard, the same being Chapter 113, Private Laws of 1903:

"The Charter of the Town of Brevard, as contained in Chapter 113, Private Laws of 1903, be and the same is hereby amended by adding after Chapter A, Article 1, Section 4 thereof a new Section to be numbered Section 4(a) and reading as follows:

"Sec. 4 (a). The Board of Aldermen of the Town of Brevard, North Carolina, shall appoint an officer whose title shall be town manager and who shall be the chief executive officer and head of the administrative branch of the town government. The town manager shall be chosen by the board of aldermen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined.

"At the time of his appointment he need not be a resident of the town or State, but during his tenure of office he shall reside within the town. No person elected to membership on the board of aldermen shall, subsequent to such election, be eligible for appointment as town manager until one year has elapsed following the expiration of the term for which he was elected. The town manager shall serve at the pleasure of the board of aldermen and he shall receive such compensation as the board shall fix by ordinance. In case of the absence or disability of the manager, the board may designate a qualified administrative officer of the town to perform the duties of the manager during such absence or disability.

"The town manager shall be responsible to the board of aldermen for the proper administration of all affairs of the town. As chief administrator, the manager shall have the power to appoint and remove all officers and employees in the administrative service of the town, except the town attorney, auditor, clerk and treasurer, who shall be appointed by and responsible to the board of aldermen and subject to removal by the board of aldermen.

"It shall be the duty of the town manager to act as director of finance and purchasing agent; to supervise the administration of the affairs of the town; to see that the ordinances, resolutions and regulations of the board of aldermen and the laws of the State are faithfully executed; to make such recommendations to the board of aldermen concerning the affairs of the town as he shall deem expedient; to keep the board of aldermen advised of the financial condition and the future financial needs of the town; attend all meetings of the board of aldermen and prepare and submit to the board of aldermen such reports as he may deem expedient or as may be required of him by the board of aldermen; to perform all other duties as may be required by the board of aldermen."

Sec. 2. Within fifteen (15) days subsequent to the ratification of this Act, the Board of Aldermen of the Town of Brevard shall fix a date for the special election authorized in Section 1 of this Act and shall cause notice of the special election herein provided for to be published for not less than once a week for three successive weeks prior to the date of the election in a newspaper having general circulation within the municipality.

Sec. 3. The special election provided for in this Act shall be held by the Municipal Board of Elections for the Town of Brevard in accordance with the procedures for municipal elections as set forth in Chapter 131 of the Private Laws of North Carolina, 1935, except those election procedures as may be modified by the provisions of this Act. The municipal board of elections shall hold the election on the question of adopting the amendment as provided herein on the date set by the board of aldermen as provided for in this Act.

Sec. 4. At the time of holding the special election hereinabove provided for, those voters who are in favor of the adoption of the amendment shall vote a ballot upon which shall be printed or written the words "For Amendment Providing for Town Manager Form of Government", and those voters who are opposed to the adoption of such form of government shall vote a ballot upon which shall be printed or written the words "Against Amendment Providing for Town Manager Form of Government". If at said election a majority of the votes cast shall be "For Amendment Providing for Town Manager Form of Government", the said amendment shall be adopted and become a part of the Charter of the Town of Brevard and shall become effective at the time the municipal board of elections certifies the result of the election to the board of aldermen. If a majority of the votes cast shall be "Against Amendment for Town Manager Form of Government", said amendment shall be null and void and shall not become a part of the Charter of the Town of Brevard.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

S. B. 161 CHAPTER 682

AN ACT RELATING TO THE UNIFORM ASSESSMENT OF PROPERTY FOR AD VALOREM TAX PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of G. S. 105-294, as same appears in the 1958 Replacement Volume 2C, is hereby rewritten to read as follows:

"G. S. 105-294. Taxes to be on Uniform Assessment Basis as to Class. All property, real and personal, shall as far as practicable be appraised or valued at its true value in money. The intent and purpose of this Section is to have all property and subjects of taxation appraised at their true and actual value in money, in such manner as such property and subjects of taxation are usually sold, but not by forced sale thereof; and the words 'market value', 'true value', or 'cash value', whenever used in this Chapter, shall be held to mean for the amount of cash or receivables the property and subjects can be transmuted into when sold in such manner as such property and subjects are usually sold.

"In the year in which a revaluation of real property, conducted in a county under the provisions of G. S. 105-278, is to take effect, and annually thereafter, the board of county commissioners shall select and adopt some uniform percentage of the amount at which property has been appraised as the value to be used in taxing property. The percentage selected shall be adopted by resolution of the board of county commissioners prior to the first meeting of the board of equalization and review, and such percentage shall be known as the assessment ratio. Before the adoption of the resolution, representatives of municipalities and other taxing authorities required by this Section to use the assessments determined by the board of county commissioners shall be given an opportunity to make recommendations as to that assessment ratio which would provide a reasonable and adequate tax base in each such municipality or other taxing unit. The board shall give due consideration to any recommendation so made, but final action selecting and adopting the assessment ratio shall be taken by the board. Within ten days after adopting its assessment ratio, the board of county commissioners shall forward a certified copy of the adoption resolution to the State Board of Assessment.

"The percentage or assessment ratio selected shall be applied to the appraised value of all real and personal property subject to assessment in the county. The tax records of the county shall show for all property both the appraisal value and the assessed value for tax purposes. Taxes levied by all counties, municipalities, and other local taxing authorities shall be levied uniformly on assessments so determined.

"In the fourth year following revaluation of real property by actual appraisal as required by G. S. 105-278, each county shall review its appraisal values and make whatever revisions are needed to bring them into line with current market or cash value, such revisions to be made horizontally only, by uniform percentages of increase or reduction rather than by actual appraisal and reassessment of individual properties. To the appraisal values thus revised, each county shall, for tax assessment purposes, apply the assessment ratio selected and adopted as hereinabove provided."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after January 1, 1960.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 57 CHAPTER 683

AN ACT TO REWRITE CHAPTER 146 OF THE GENERAL STATUTES, ENTITLED "STATE LANDS".

The General Assembly of North Carolina do enact:

Section 1. Chapter 146 of the General Statutes is hereby rewritten to read as follows:

"CHAPTER 146.
"STATE LANDS.
"SUBCHAPTER I. UNALLOCATED STATE LANDS.
"Article 1.
"General Provisions.

"§ 146-1. Intent of this subchapter. It is the purpose and intent of this subchapter to vest in the Department of Administration, subject to rules and regulations adopted by the Governor and approved by the Council of State as hereinafter provided, responsibility for the management, control and disposition of all vacant and unappropriated lands, swamp lands, lands acquired by the State by virtue of being sold for taxes, and submerged lands, title to which is vested in the State or in any State agency, to be exercised subject to the provisions of this subchapter.

"§ 146-2. Department of Administration given control of certain State lands; general powers. The power to manage, control, and dispose of the vacant and unappropriated lands, swamp lands, lands acquired by the State by virtue of being sold for taxes, and submerged lands is hereby vested in the Department of Administration, subject to rules and regulations adopted by the Governor and approved by the Council of State, and subject to the provisions of this subchapter. The Department of Administration shall have the following general powers and duties with respect to those lands:

"(1) To take such measures as it deems necessary to establish, protect, preserve, and enhance the interest of the State in those lands, and to call upon the Attorney General for legal assistance in performing this duty.

"(2) Subject to the approval of the Governor and Council of State, to adopt such rules and regulations as it may deem necessary to carry out its duties under the provisions of this subchapter.

"Article 2.
"Dispositions.

"§ 146-3. What lands may be sold. Any State lands may be disposed of by the State in the manner prescribed in this Chapter, with the following exceptions:

"(1) No submerged lands may be conveyed in fee, but easements therein may be granted, as provided in this subchapter.

"(2) No natural lake belonging to the State or to any State agency on January 1, 1959, and having an area of 50 acres or more, may be in any manner disposed of, but all such lakes shall be retained by the State for the use and benefit of all the people of the State and administered as provided for other recreational areas owned by the State.

"§ 146-4. Sales of certain State lands. The Department of Administration may sell the vacant and unappropriated lands, swamp lands, and lands acquired by the State by virtue of being sold for taxes, at public or private sale, at such times, upon such consideration, in such portions, and upon such terms as are deemed proper by the Department and approved by the Governor and Council of State. Every deed conveying any part of those lands in fee shall be executed in the manner required by G. S. 146-74 through 146-78, and shall be approved by the Governor and Council of

State as therein required. The net proceeds of all such sales of those lands shall be paid into the State Literary Fund. Whenever negotiations are begun by the Department for the purpose of selling swamp land or the timber thereon, the Department shall promptly notify the State Board of Education of that fact. If the Board deems the proposed sale inadvisable, it may so inform the Governor and Council of State, who may give due consideration to the representations of the Board in determining whether to approve or disapprove the proposed transaction.

"§ 146-5. Reservation to the State. In any sale of the vacant and unappropriated lands or swamp lands by the State, the following powers may be expressly reserved to the State, to be exercised according to law:

"(1) The State may make any reasonable and expedient regulations respecting the repair of the canals which have been cut by the State, or the enlargement of such canals.

"(2) The State may impose taxes on the lands benefited by those canals for their repair, and they shall not be closed.

"(3) The navigation of the canals shall be free to all persons, subject to a right in the State to impose tolls.

"(4) All landowners on the canals may drain into them, subject only to such general regulations as now are or hereafter may be made by law in such cases.

"(5) The roads along the banks of the canals shall be public roads.

"§ 146-6. Title to land raised from navigable water. (a) If any land is, by any process of nature or as a result of the erection of any pier, jetty or breakwater, raised above the high water mark of any navigable water, title thereto shall vest in the owner of that land which, immediately prior to the raising of the land in question, directly adjoined the navigable water. The tract, title to which is thus vested in a riparian owner, shall include only the front of his formerly riparian tract and shall be confined within extensions of his property lines, which extensions shall be perpendicular to the channel, or main watercourses.

"(b) If any land is, by act of man, raised above the high water mark of any navigable water by filling, except such filling be to reclaim lands theretofore lost to the owner by natural causes or as otherwise provided under the proviso of subsection (d), title thereto shall vest in the State and the land so raised shall become a part of the vacant and unappropriated lands of the State, unless the Governor and Council of State shall have previously approved, in the manner provided in subsection (c) of this Section, the commission of the act which caused the raising of the land in question.

"(c) If any owner of land adjoining any navigable water desires to fill in the area immediately in front of his land, he may apply to the Department of Administration for an easement to make such fill. The applicant shall deliver to each owner of riparian property adjoining that of the applicant, a copy of the application filed with the Department of Administration, and each such riparian owner shall have 30 days from the date of such service to file with the Department of Administration written objections to the granting of the proposed easement. If the Department of

Administration finds that the proposed fill will not impede navigation or otherwise interfere with the use of the navigable water by the public or injure any adjoining riparian owner, it shall issue to such applicant an easement to fill and shall fix the consideration to be paid for the easement, subject to the approval of the Governor and Council of State in each instance. The granting by the State of the permit or easement so to fill shall be deemed conclusive evidence and proof that the applicant has complied with all requisite conditions precedent to the issuance of such permit or easement, and his right shall not thereafter be subject to challenge by reason of any alleged omission on his part. None of the provisions of this Section shall relieve any riparian owner of the requirements imposed by the applicable laws and regulations of the United States. Upon completion of such filling, the Governor and Council of State may, upon request, direct the execution of a quitclaim deed therefor to the owner to whom the easement was granted, conveying the land so raised, upon such terms as are deemed proper by the Department and approved by the Governor and Council of State.

"(d) If an island is, by any process of nature or by act of man, formed in any navigable water, title to such island shall vest in the State and the island shall become a part of the vacant and unappropriated lands of the State. Provided, however, that if in any process of dredging, by either the State or Federal government, for the purpose of deepening any harbor or inland waterway, or clearing out or creating the same, a deposit of the excavated material is made upon the lands of any owner, and title to which at the time is not vested in either the State or Federal government, or any other person, whether such excavation be deposited with or without the approval of the owner or owners of such land, all such additions to lands shall accrue to the use and benefit of the owner or owners of the land or lands on which such deposit shall have been made, and such owner or owners shall be deemed vested in fee simple with the title to the same.

"(e) The Governor and Council of State may, upon proof satisfactory to them that any land has been raised above the high water mark of any navigable water by any process of nature or by the erection of any pier, jetty or breakwater, and that this, or any other provision of this Section vests title in the riparian owner thereof, whenever it may be necessary to do so in order to establish clear title to such land in the riparian owner, direct execution of a quitclaim deed thereto, conveying to such owner all of the State's right, title, and interest in such raised land.

"§ 146-7. Timber rights. The Department of Administration may sell timber rights in the vacant and unappropriated lands, swamp lands, and lands acquired by the State by virtue of being sold for taxes, at public or private sale, at such times, upon such consideration, in such portions, and upon such terms as are deemed proper by the Department and approved by the Governor and Council of State. Every instrument conveying timber rights shall be executed in the manner required of deeds by G. S. 146-74 through 146-78, and shall be approved by the Governor and Council of State as therein required, or by the agency designated by the Governor

and Council of State to approve conveyances of such rights. The net proceeds of all sales of timber from those lands shall be paid into the State Literary Fund.

"§ 146-8. Disposition of mineral deposits in State lands under water. The State, acting at the request of the Department of Conservation and Development, is fully authorized and empowered to sell, lease, or otherwise dispose of any and all mineral deposits belonging to the State which may be found in the bottoms of any sounds, rivers, creeks, or other waters of the State. The State, acting at the request of the Department of Conservation and Development, is authorized and empowered to convey or lease to such person or persons as it may, in its discretion, determine, the rights to take, dig, and remove from such bottoms such mineral deposits found therein belonging to the State as may be sold, leased, or otherwise disposed of to them by the State. The State, acting at the request of the Department of Conservation and Development, is authorized to grant to any person, firm, or corporation, within designated boundaries for definite periods of time, the right to such mineral deposits, or to sell, lease, or otherwise dispose of same upon such other terms and conditions as may be deemed wise and expedient by the State and to the best interest of the State. Before any such sale, lease, or contract is made, it shall be approved by the Department of Administration and by the Governor and Council of State.

"Any sale, lease, or other disposition of such mineral deposits shall be made subject to all rights of navigation and subject to such other terms and conditions as may be imposed by the State.

"The net proceeds derived from the sale, lease, or other disposition of such mineral deposits shall be paid into the treasury of the State, but the same shall be used exclusively by the Department of Conservation and Development in paying the costs of administration of this Section and for the development and conservation of the natural resources of the State, including any advertising program which may be adopted for such purpose, all of which shall be subject to the approval of the Governor, acting by and with the advice of the Council of State.

"§ 146-9. Disposition of mineral deposits in State lands not under water. The Department of Administration may sell, lease, or otherwise dispose of mineral rights or deposits in the vacant and unappropriated lands, swamp lands, and lands acquired by the State by virtue of being sold for taxes, not lying beneath the waters of the State, at such times, upon such consideration, in such portions, and upon such terms as are deemed proper by the Department and approved by the Governor and Council of State. Every instrument conveying such rights shall be executed in the manner required of deeds by G. S. 146-74 through 146-78, and shall be approved by the Governor and Council of State as therein provided, or by the agency designated by the Governor and Council of State to approve conveyances of such rights. The net proceeds of dispositions of all such mineral rights or deposits shall be paid into the State Literary Fund.

"§ 146-10. Leases. The Department of Administration may lease or rent the vacant and unappropriated lands, swamp lands, and lands acquired

by the State by virtue of being sold for taxes, at such times, upon such consideration, in such portions, and upon such terms as it may deem proper. Every lease or rental of such lands by the Department shall be approved by the Governor and Council of State, or by the agency designated by the Governor and Council of State to approve such lease and rentals.

"§ 146-11. Easements, rights-of-way, etc. The Department of Administration may grant easements, rights-of-way, dumping rights and other interests in State lands, for the purpose of

"(1) cooperating with the Federal government,

"(2) utilizing the natural resources of the State, or

"(3) otherwise serving the public interest.

"The Department shall fix the terms and consideration upon which such rights may be granted. Every instrument conveying such interests shall be executed in the manner required of deeds by G. S. 146-74 through 146-78, and shall be approved by the Governor and Council of State as therein provided, or by the agency designated by the Governor and Council of State to approve conveyances of such interests.

"§ 146-12. Easements in lands covered by water. The Department of Administration may grant, to adjoining riparian owners, easements in lands covered by navigable waters or by the waters of any lake owned by the State for such purposes and upon such conditions as it may deem proper, with the approval of the Governor and Council of State. The Department may, with the approval of the Governor and Council of State, revoke any such easement upon the violation by the grantee or his assigns of the conditions upon which it was granted.

"Every such easement shall include only the front of the tract owned by the riparian owner to whom the easement is granted, shall extend no further than the deep water, and shall in no respect obstruct or impair navigation.

"When any such easement is granted in front of the lands of any incorporated town, the governing body of the town shall regulate the line on deep water to which wharves may be built.

"§ 146-13. Erection of piers on State lakes restricted. No person, firm, or corporation shall erect upon the floor of, or in or upon, the waters of any State lake, any dock, pier, pavilion, boathouse, bathhouse, or other structure, without first having secured a permit to do so from the Department of Administration, or from the agency designated by the Department to issue such permits. Each permit shall set forth in required detail the size, cost, and nature of such structure; and any person, firm, or corporation erecting any such structure without a proper permit or not in accordance with the specifications of such permit shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars ($50.00) or imprisoned not exceeding 30 days. The State may immediately proceed to remove such unlawful structure through due process of law, or may abate or remove the same as a nuisance after five days' notice.

"§ 146-14. Proceeds of dispositions of certain State lands. The net proceeds of all sales, leases, rentals, or other dispositions of the vacant and unappropriated lands, swamp lands, and lands acquired by the State

by virtue of being sold for taxes, and all interests and rights therein, shall be paid into the State Literary Fund, except as otherwise provided in this Chapter.

"§ 146-15. Definition of net proceeds. For the purposes of this subchapter, the term 'net proceeds' means the gross amount received from the sale, lease, rental, or other disposition of any State lands, less

"(1) such expenses incurred incident to that sale, lease, rental, or other disposition as may be allowed under rules and regulations adopted by the Governor and approved by the Council of State;

"(2) amounts paid pursuant to G. S. 105-296.1, if any; and

"(3) a service charge to be paid into the State Land Fund.

"The amount or rate of such service charge shall be fixed by rules and regulations adopted by the Governor and approved by the Council of State, but as to any particular sale, lease, rental, or other disposition, it shall not exceed ten per cent (10%) of the gross amount received from such sale, lease, rental, or other disposition. Notwithstanding any other provision of this subchapter, no service charge shall be paid into the State Land Fund from proceeds derived from the sale of land or products of land owned or held for the use of the Wildlife Resources Commission, or purchased or acquired with funds of the Wildlife Resources Commission.

"Article 3.

"Discovery and Reclamation.

"§ 146-16. Department of Administration to supervise. The Department of Administration shall be responsible for discovering, inventorying, surveying, and reclaiming the vacant and unappropriated lands, swamp lands, and lands acquired by the State by virtue of being sold for taxes, and shall take all measures necessary to that end. All expenses incurred in the performance of these activities shall be paid from the State Land Fund, unless otherwise provided by the General Assembly.

"§ 146-17. Mapping and discovery agreements. The Department of Administration, acting on behalf of the State, for the purpose of discovering State lands, may, with the approval of the Governor and Council of State, enter into agreements with counties, municipalities, persons, firms, and corporations providing for the discovery of State land by the systematic mapping of the counties of the State and by other appropriate means. All expenses incurred by the Department incident to such mapping and discovery agreements shall be paid from the State Land Fund, unless otherwise provided by the General Assembly.

"Article 4.

"Miscellaneous Provisions.

"§ 146-18. Recreational use of State lakes regulated. All recreation, except hunting and fishing, in, upon, or above any or all of the State lakes referred to in this subchapter may be regulated in the public interest by the State agency having administrative authority over these areas.

"§ 146-19. Fishing license fees for non-residents of counties in which State lakes are situated. The Wildlife Resources Commission, through its authorized agent or agents, is hereby authorized to require of nonresidents of the county within which a State lake is situated a daily or weekly permit

in lieu of the regular 'resident State license' for fishing with hook and line or rod and reel within said lake in accordance with the regulations of the Commission relating to said lake. Except for the provisions of this Section, the laws and regulations dealing with the issuance of fishing permits by said Commission must be complied with.

"§ 146-20. Forfeiture for failure to register deeds. All the grants and deeds for swamp lands made prior to November 1, 1883, must have been proved and registered, in the county where the lands are situate, within twelve months from November 1, 1883, and every such grant or deed, not being so registered within that time, shall be void, and the title of the proprietor in such lands shall revert to the State; but the provisions of this Section shall be applicable only to the swamp lands which have been surveyed or taken possession of by, or are vested in, the State or its agencies.

"SUBCHAPTER II. ALLOCATED STATE LANDS.

"Article 5.

"General Provisions.

"§ 146-21. Intent of this subchapter. It is the purpose and intent of this subchapter to provide for and regulate the acquisition, disposition, and management of all State lands other than the vacant and unappropriated lands, swamp lands, lands acquired by the State by virtue of being sold for taxes, and submerged lands.

"Article 6.

"Acquisitions.

"§ 146-22. All acquisitions to be made by Department of Administration. Every acquisition of land on behalf of the State or any State agency, whether by purchase, condemnation, lease, or rental, shall be made by the Department of Administration and approved by the Governor and Council of State.

"§ 146-23. Agency must file statement of needs; Department must investigate. Any state agency desiring to acquire land, whether by purchase, condemnation, lease, or rental, shall file with the Department of Administration an application setting forth its needs, and shall furnish such additional information as the Department may request relating thereto. Upon receipt of such application, the Department of Administration shall promptly investigate all aspects of the requested acquisition, including the existence of actual need for the requested property on the part of the requesting agency; the availability of land already owned by the State or by any State agency which might meet the requirements of the requesting agency; the availability, value, and status of title of other land, whether for purchase, condemnation, lease, or rental, which might meet the requirements of the requesting agency; and the availability of funds to pay for land if purchased, condemned, leased, or rented.

"§ 146-24. Procedure for purchase or condemnation. (a) If, after investigation, the Department determines that it is in the best interest of the State that land be acquired, the Department shall proceed to negotiate with the owners of the desired land for its purchase.

"(b) If the purchase price and other terms are agreed upon, the Department shall then submit to the Governor and Council of State the pro-

posed purchase, together with a copy of the deed, for their approval or disapproval. If the Governor and Council of State approve the proposed purchase, the Department shall pay for the land and accept delivery of a deed thereto. All conveyances of purchased real property shall be made to 'The State of North Carolina', and no such conveyance shall be made to a particular agency, or to the State for the use or benefit of a particular agency.

"(c) If negotiations for the purchase of the land are unsuccessful, or if the State cannot obtain a good and sufficient title thereto by purchase from the owners, then the Department of Administration may request permission of the Governor and Council of State to exercise the right of eminent domain and acquire any such land by condemnation in the manner prescribed by Chapter 40 of the General Statutes. Upon approval by the Governor and Council of State, the Department may proceed to exercise the right of eminent domain. Approval by no other State agency shall be required as a prerequisite to the exercise of the power of eminent domain by the Department.

"§ 146-25. Leases and rentals. If, after investigation, the Department of Administration determines that it is in the best interest of the State that land be leased or rented for the use of the State or of any State agency, the Department shall proceed to negotiate with the owners for the lease or rental of such property. All lease and rental agreements entered into by the Department shall be promptly submitted to the Governor and Council of State for approval or disapproval.

"§ 146-26. Donations and devises to State. No devise or donation of land or any interest therein to the State or to any State agency shall be effective to vest title to the said land or any interest therein in the State or in any State agency until the devise or donation is accepted by the Governor and Council of State. Upon acceptance by the Governor and Council of State, title to the said land or interest therein shall immediately vest as of the time title would have vested but for the above requirement of acceptance by the Governor and Council of State.

"Article 7.

"Dispositions.

"§ 146-27. All sales, leases, and rentals to be made by Department of Administration. Every sale, lease, or rental of land owned by the State or by any State agency shall be made by the Department of Administration and approved by the Governor and Council of State. In no event shall the Department of Administration have authority to initiate any proceeding for the sale, lease, or rental of land heretofore allocated to or used by any State agency.

"§ 146-28. Agency must file application with Department; Department must investigate. Any State agency desiring to sell, lease, or rent any land owned by the State or by any State agency shall file with the Department of Administration an application setting forth the facts relating to the proposed transaction, and shall furnish the Department with such additional information as the Department may request relating thereto. Upon receipt of such application, the Department of Administra-

tion shall promptly investigate all aspects of the proposed transaction, including particularly present and future State need for the land proposed to be conveyed, leased, or rented.

"§ 146-29. Procedure for sale, lease, or rental. If, after investigation, the Department of Administration determines that it is in the best interest of the State that land be sold, leased, or rented, the Department shall proceed with its sale, lease, or rental, as the case may be, in accordance with rules adopted by the Governor and approved by the Council of State. If an agreement of sale, lease, or rental is reached, the proposed transaction shall then be submitted to the Governor and Council of State for their approval or disapproval. Every conveyance in fee of land owned by the State or by any State agency shall be made and executed in the manner prescribed by G. S. 146-74 through 146-78.

"§ 146-30. Application of net proceeds. The net proceeds of any disposition made in accordance with this subchapter shall be handled in accordance with the following priority: First, in accordance with the provisions of any trust or other instrument of title whereby title to such real property was heretofore acquired or is hereafter acquired; Second, as provided by any other Act of the General Assembly; Third, the net proceeds shall be deposited with the State Treasurer in a Capital Improvement account to the credit of the State agency at whose request the disposition was approved, to be used for such specific capital improvement projects or other purposes as are approved by the Director of the Budget and the Advisory Budget Commission.

"For the purposes of this subchapter, the term 'net proceeds' means the gross amount received from the sale, lease, rental, or other disposition of any State lands, less

"(1) such expenses incurred incident to that sale, lease, rental, or other disposition as may be allowed under rules and regulations adopted by the Governor and approved by the Council of State;

"(2) amounts paid pursuant to G. S. 105-296.1, if any; and

"(3) a service charge to be paid into the State Land Fund.

"The amount or rate of such service charge shall be fixed by rules and regulations adopted by the Governor and approved by the Council of State, but as to any particular sale, lease, rental, or other disposition, it shall not exceed ten per cent (10%) of the gross amount received from such sale, lease, rental, or other disposition. Notwithstanding any other provision of this subchapter, the net proceeds derived from the sale of land or products of land owned by or under the supervision and control of the Wildlife Resources Commission, or acquired or purchased with funds of that Commission, shall be paid into the Wildlife Resources Fund.

"Article 8.

"Miscellaneous Provisions.

"§ 146-31. Right of appeal to Governor and Council of State. The requesting agency, in the event of disagreement with a decision of the Department of Administration regarding the acquisition or disposition of land pursuant to the provisions of this subchapter, shall have the right of appeal to the Governor and Council of State.

"§ 146-32. Exemptions as to leases, etc. The Governor, acting with the approval of the Council of State, may adopt rules and regulations

"(1) exempting from any or all of the requirements of this subchapter such classes of lease, rental, easement, and right-of-way transactions as he deems advisable; and

"(2) authorizing any State agency to enter into and/or approve those classes of transactions exempted by such rules and regulations from the requirements of this Chapter.

"§ 146-33. State agencies to locate and mark boundaries of lands. Every State agency shall locate and identify, and shall mark and keep marked, the boundaries of all lands allocated to that agency or under its control. The Department of Administration shall locate and identify, and mark and keep marked, the boundaries of all State lands not allocated to or under the control of any other State agency. The chief administrative officer of every State agency is authorized to contract with the State Prison Department for the furnishing, upon such conditions as may be agreed upon from time to time between the State Prison Department and the chief administrative officer of that agency, of prison labor for use where feasible in the performance of these duties.

"§ 146-34. Agencies may establish agreed boundaries. Every State agency may establish agreed boundaries between lands allocated to it or under its control, and the lands of any other owner, subject to the approval of the Governor and Council of State. The Department of Administration is authorized to establish agreed boundaries between State lands not allocated to or under the control of any other State agency and the lands of any other owner, subject to the approval of the Governor and Council of State. The Attorney General shall represent the State in all proceedings to establish boundaries which cannot be established by agreement.

"§ 146-35. Severance approval delegation. The Governor, acting with the approval of the Council of State, may adopt rules and regulations delegating to any other State agency the authority to approve the severance of buildings and standing timber from State lands. Upon such approval of severance, the buildings or timber affected shall be, for the purposes of this Chapter, treated as personal property.

"§ 146-36. Acquisitions for and conveyances to Federal government. The Governor and Council of State may, whenever they find that it is in the best interest of the State to do so, enter into any contract or other agreement which will be sufficient to comply with Federal laws or regulations, binding the State to acquire for and to convey to the United States government land or any interest in land, and to do such other acts and things as may be necessary for such compliance.

"The Governor and Council of State may authorize any conveyance to the United States government to be made upon nominal consideration whenever they deem it to be in the best interest of the State to do so.

"SUBCHAPTER III. ENTRIES AND GRANTS.

"Article 9.

"General Provisions.

"§ 146-37. Intent of this subchapter. It is the purpose and intent of

this subchapter to protect vested rights, titles, and interests acquired under the laws governing entries and grants as they read immediately prior to the ratification of this Chapter.

"§ 146-38. Pending entries. All entries which have been filed with entry takers within one year prior to the ratification of this Chapter, or filed more than one year prior to the ratification of this Chapter but still pending due to the filing of protest to the entry, shall be processed pursuant to the provisions of Chapter 146 of the General Statutes as it read immediately prior to the ratification of this Chapter. Every such entry shall be paid for within one year from the date of entry, unless a protest be filed to the entry, in which event it shall be paid for within one year after final judgment on the protest; and all entries not thus paid for shall become null and void, and shall not be subject to renewal. It shall be the duty of both the enterer and protestant to conclude, within twelve months from the date of ratification of this Chapter, all actions wherein a protest has been filed, and such cases shall be given preference on the dockets of the courts of the State. Any action not so concluded shall be deemed a lapse as to enterer and protestant. It is not the intent of this proviso to void any previous grant of the State of North Carolina, or to divest any vested right, but to terminate all rights accrued on account of any entry wherein no grant has been made. Provided that the Resident Judge of the Superior Court or the Judge holding the Superior Courts of the district where the land lies, may, for good cause shown, extend the time within which an action in which a protest has been filed is required by this Section to be concluded; but no extension shall exceed one year in duration. A copy of this Section shall be mailed by the Secretary of State to all parties to actions wherein protests have been filed as may be determined by records available in his office, and to all Clerks of the Superior Court of the State.

"§ 146-39. Void grants; not color of title. Every entry made and every grant issued for any lands not authorized by G. S. 146-1 through 146-77, as those Sections read immediately prior to the ratification of this Chapter, to be entered or granted shall be void.

"Every grant of land issued since March 6, 1893, in pursuance of the statutes regulating entries and grants, shall, if such land or any portion thereof has been heretofore granted by this State, so far as relates to any such land heretofore granted, be absolutely void for all purposes whatever, shall confer no rights upon the grantee therein or those claiming under such grantee, and shall in no case and under no circumstances constitute any color of title to any person.

"Article 10.

"Surveys.

"§ 146-40. Record of surveys to be kept. The county commissioners of the several counties of the State shall provide a suitable book or books for recording of surveys of entries of land, to be known as Record of Surveys, to be kept in the office of register of deeds as other records are kept. Such record shall have an alphabetical and numerical index, the numerical index to run consecutively. It shall be the duty of every county surveyor

or his deputy surveyor who makes a survey to record in such book a perfect and complete record of all surveys of lands made upon any warrant issued upon any entry, and date and sign same as of the date such survey was made.

"§ 146-41. Former surveys recorded. Where any ex-surveyor of a county is alive and has correct minutes or notes of surveys of land on entries made by him during his term of office, it shall be lawful for him to record and index such survey in the Record of Surveys, and the county commissioners shall pay for such services ten cents (10¢) for each survey so recorded and indexed.

"§ 146-42. What record must show; received as evidence. All surveys so recorded in such book shall show the number of the tract of land, the name of the party entering, and the name of the assignee if there be any assignee; and shall be duly indexed, both alphabetically and numerically, in such record in the name of the party making the entry and in the name of the assignee if there be any assignee. Such record of any surveyor or deputy surveyor when so made shall be read in evidence in any action or proceeding in any court: Provided that if such record differs from the original certificates of survey heretofore made or on file in the office of the Secretary of State, such original or certified copy of the certificate in the Secretary of State's office shall control.

"Article 11.

"Grants.

"§ 146-43. Cutting timber on land before obtaining a grant. If any person shall make an entry of any lands, and before perfecting title to same shall enter upon such lands and cut therefrom any wood, trees, or timber, he shall be guilty of a misdemeanor. Any person found guilty under the provisions of this Section shall further pay to the State double the value of the wood, trees, or timber taken from the land, and it shall be the duty of the solicitor of the district in which the land lies to sue for the same.

"§ 146-44. Card index system for grants. The Secretary of State shall install in his office a card index system for grants, and every warrant, plot, and survey that can be found shall be encased in separate envelopes. Each card and envelope shall show substantially the following:

..... County ..... Acres

Name .....

Grant No. ..... Issued .....

Grant Book ..... Page .....

Entry No. ..... Entered .....

File No. .....

Location .....

Remarks .....

"Such grant books as are old and falling to pieces shall be recopied, and whenever any part of the record of a grant is partly gone or destroyed the Secretary of State shall restore same, if he can do so with accuracy from the description in the plot and survey upon which the grant was issued and original record made.

"§ 146-45. Grant of Moore's Creek Battlefield authorized. In conjunction with an Act of Congress relating to the establishment of the Moore's Creek National Military Park (June 2, 1926, c. 448, s. 2, 44 Stat. 684; U. S. Code, Title 16, ss. 422-422(d)), the Governor of the State of North Carolina is hereby authorized to execute to the United States government a deed vesting the title to Moore's Creek Battlefield, Pender County, in said United States government on behalf of the State of North Carolina, to preserve the same as an historical battlefield: Provided that the consent of the State of North Carolina to such acquisition by the United States is upon the express condition that the State of North Carolina shall so far retain a concurrent jurisdiction with the United States over such battlefield as that all civil and criminal processes issued from the courts of the State of North Carolina may be executed thereon in like manner as if this authority had not been given: Provided further, that the title to said battlefield so conveyed to the United States shall revert to the State of North Carolina unless said land is used for the purpose for which it is ceded.

"Article 12.

"Correction of Grants.

"§ 146-46. When grants may issue. In any case where, under the provisions of this subchapter, the Secretary of State is authorized to issue a grant or a duplicate grant to correct an error in a prior grant, the grant of correction shall be authenticated by the Governor, countersigned by the Secretary of State, and recorded in the office of the Secretary of State. The date of the entry and the number of the survey from the certificate of survey upon which the grant is founded shall be inserted in every such grant, and a copy of the plot shall be attached to the grant.

"§ 146-47. Change of county line before grant issued or registered. All grants issued on entries for lands which were entered in one county, and before the issuing of the grants therefor or the registration of the grants, by the change of former county lines or the establishment of new lines, the lands so entered were placed in a county or in counties different from that in which they were situated, and the grants were registered in the county where the entries were made, shall be good and valid, and the registration of the grant shall have the same force and effect as if they had been registered in the county where the lands were situated. All persons claiming under and by such grants may have them, or a certified copy of the same, from the office of the Secretary of State, or from the office of the register of deeds when they had been erroneously registered, recorded in the office of the register of deeds of the county or counties where the lands lie, and such registration shall have the same force and effect as if the grants had been duly registered in such county or counties.

"§ 146-48. Entries in wrong county. Whereas many citizens of the State, on making entries of lands near the lines of the county wherein they reside, either for want of proper knowledge of the land laws of the State or not knowing the county lines, have frequently made entries and extended their surveys on such entries into other counties than those wherein they were made, and obtained grants on the same; and whereas

doubts have existed with respect to the validity of the titles to lands situated as aforesaid, so far as they extend into other counties than those where the entries were made; for remedy whereof it is hereby declared that all grants issued on entries made for lands situated as aforesaid shall be good and valid against any entries thereafter made or grants issued thereon.

"§146-49. Errors in surveys of plots corrected. Whenever there may be an error by the surveyor in plotting or making out the certificate for the Secretary's office, or whenever the Secretary shall make a mistake in making out the courses agreeable to such returns, or misname the claimant, or make other mistake, so that such claimant shall be injured thereby, the claimant may prefer a petition to the Superior Court of the county in which the land lies, setting forth the injury which he might sustain in consequence of such error or mistake, with all matters and things relative thereto. The Court may hear testimony respecting the truth of the allegations set forth in the petition; and if it shall appear by the testimony, from the return of the surveyor or the error of the Secretary, that the patentee is liable to be injured thereby, the Court shall direct the Clerk to certify the facts to the Secretary of State, who shall file the same in his office, and correct the error in the patent, and likewise in the records of his office. The costs of such suit shall be paid by the petitioner, except when any person may have made himself a party to prevent the prayer of the petitioner being granted, in which case the costs shall be paid as the Court may decree. The benefits granted by this Section to the patentees of land shall be extended in all cases to persons claiming by, from, or under their grants, by descent, devise, or purchase. When any error is ordered to be rectified, and the same has been carried through from the grant into mesne conveyances, the Court shall direct a copy of the order to be recorded in the register's book of the county: Provided no such petition shall be brought but within three years after the date of the patent; and if brought after that time, the Court shall dismiss the same, and all proceedings had thereon shall be null and of no effect: Provided further, nothing herein shall affect the rights or interest of any person claiming under a patent issued between the period of the date of the grant alleged to be erroneous and the time of filing the petition, unless such person shall have had due notice of the filing of the petition, by service of a copy thereof, and an opportunity of defending his rights before the Court according to the course of the common law.

"§146-50. Resurvey of lands to correct grants. Persons who have entered vacant lands shall not be defeated in their just claims by mistakes or errors in the surveys and plots furnished by surveyors. In every case where the purchase money has been paid into the State treasury within the time prescribed by law after entry, and the survey or plot furnished shall be found to be defective or erroneous, the party having thus made entry and paid the purchase price may obtain another warrant of survey from the register of deeds of the county where the land lies, and have his entry surveyed as is directed by existing laws. On presenting a certificate of survey and two fair plots thereof to the Secretary of State within six

months after the payment of the purchase money, the party making such entry and paying such purchase price shall be entitled to receive, and it shall be the duty of the Secretary of State to issue to him, the proper grant for the lands so entered.

"§ 146-51. Lost seal replaced. In all cases where the seal annexed to a grant is lost or destroyed, the Governor may, on the certificate of the Secretary of State that the grant was fairly obtained, cause the seal of the State to be affixed thereto.

"§ 146-52. Errors in grants corrected. If in issuing any grant the number of the grant or the name of the grantee or any material words or figures suggested by the context have been omitted or not correctly written or given, or the description in the body of the grant does not correspond with the plot and description in the surveyor's certificate attached to the grant, or if in recording the grant in his office the Secretary of State has heretofore made or may hereafter make any mistake or omission by which any part of any grant has not been correctly recorded, the Secretary of State shall, upon the application of any party interested and the payment to him of his lawful fees, correct the original grant by inserting in the proper place the words, figures, or names omitted or not correctly given or suggested by the context; or if the description in the grant does not correspond with the surveyor's plot or certificate, the Secretary of State shall make the former correspond with the latter as the true facts may require. In case the party interested shall prefer it, the Secretary of State shall issue a duplicate of the original grant, including therein the corrections made; and in those cases in which grants have not been correctly recorded, he shall make the proper corrections upon his records, or by re-recording, as he may prefer; and any grant corrected as aforesaid may be recorded in any county of the State as other grants are recorded, and have relation to the time of the entry and date of the grant as in other cases.

"§146-53. Irregular entries validated. Wherever persons have, prior to January 1, 1883, irregularly entered lands and have paid the fees required by law to the Secretary of State, and have obtained grants for such lands duly executed, the title to the lands shall not be affected by reason of such irregular entries; and the grants are hereby declared to be as valid as if such entries had been properly made.

"§ 146-54. Grant signed by Deputy Secretary of State validated. Where State grants have heretofore been issued and the name of the Secretary of State has been affixed thereto by his deputy or chief clerk, or by anyone purporting to act in such capacity, such grants are hereby declared valid; but nothing herein contained shall interfere with vested rights.

"§ 146-55. Registration of grants. Every person obtaining a grant shall, within two years after such grant is perfected, cause the same to be registered in the county where the land lies; and any person may cause to be there registered any certified copy of a grant from the office of the Secretary of State, which shall have the same effect as if the original had been registered.

"§ 146-56. Time for registering grants extended. All grants from the State of North Carolina of lands and interests in land heretofore made, which were required or allowed to be registered within a time specified by law, or in the grants themselves, may be registered in the counties in which the lands lie respectively at any time within six years from January 1, 1918, notwithstanding the fact that such specified time has already expired, and all such grants heretofore registered after the expiration of such specified time shall be taken and treated as if they had been registered within such specified time: Provided that nothing herein contained shall be held or have the effect to divest any rights, titles, or equities in or to the land covered by such grants, or any of them, acquired by any person from the State of North Carolina by or through any entry or grant made or issued since such grants were respectively issued, or those claiming through or under such subsequent entry or grant.

"§ 146-57. Time for registering grants and other instruments extended. The time is hereby extended until September 1, 1926, for the proving and registering of all deeds of gift, grants from the State, or other instruments of writing heretofore executed and which are permitted or required by law to be registered, and which were or are required to be proved and registered within a limited time from the date of their execution; and all such instruments which have heretofore been or may be probated and registered before the expiration of the period herein limited shall be held and deemed, from and after the date of such registration, to have been probated and registered in due time, if proved in due form, and registration thereof be in other respects valid: Provided that nothing in this Section shall be held or deemed to validate or attempt to validate or give effect to any informal instrument; and provided further that this Section shall not affect pending litigation: Provided further that nothing herein contained shall be held deemed to place any limitation upon the time allowed for the registration of any instrument where no such limit is now fixed by law.

"§ 146-58. Time for registering grants further extended. The time for the registration of grants issued by the State of North Carolina is hereby extended for a period of two years from January 1, 1925: Provided that nothing herein contained shall be held or have the effect to divest any rights, titles, or equities in or to the land covered by such grants, or any of them, acquired by any person from the State of North Carolina by or through any entry or grant made or issued since such grants were respectively issued, or those claiming through or under such subsequent entry or grant.

"§ 146-59. Time for registering grants or copies extended. The time for the registration of grants issued by the State of North Carolina, or copies of such grants duly certified by the Secretary of State under his official seal, be and the same hereby is extended for a period of two years from January 1, 1927, and such grants or copies thereof duly certified as above set forth may be registered within such time as fully as the original might have been registered at any time heretofore: Provided that nothing herein contained shall be held or have the effect to divest any rights,

titles, or equities in or to the land covered by such grants or any of them, acquired by any person from the State of North Carolina by or through any entry or grant made or issued since such grants were respectively issued, or those claiming through or under such subsequent entry or grant.

"§ 146-60. Further extension of time for registering grants or copies. The time for the registration of grants issued by the State of North Carolina, or copies of such grants duly certified by the Secretary of State under his official seal, be and the same hereby is extended for a period of two years from January 1, 1947, next ensuing, and such grants or copies thereof duly certified as above set forth may be registered within such time as fully as the original might have been registered at any time heretofore: Provided that nothing herein contained shall be held or have the effect to divest any rights, titles, or equities in or to the land covered by such grants or any of them acquired by any person from the State of North Carolina by or through any entry or grant made or issued since such grants were respectively issued, or those claiming through or under such subsequent entry or grant.

"Article 13.

"Grants Vacated.

"§ 146-61. Civil action to vacate grant. When any person claiming title to lands under a grant or patent from the King of Great Britain, any of the Lords Proprietors of North Carolina, or from the State of North Carolina, shall consider himself aggrieved by any grant or patent issued or made since July 4, 1776, to any other person, against law or obtained by false suggestions, surprise, or fraud, the person aggrieved may bring a civil action in the Superior Court for the county in which such land may be, together with an authenticated copy of such grant or patent, briefly stating the grounds whereon such patent should be repealed and vacated, whereupon the grantee, patentee, or the person, owner, or claimant under such grant or patent, shall be required to show cause why the same shall not be repealed and vacated.

"§ 146-62. Judgment recorded in Secretary of State's office. If, upon verdict or demurrer, the Court believe that the patent or grant was made against law or obtained by fraud, surprise, or upon untrue suggestions, it may vacate the same; and a copy of such judgment, after being recorded at large, shall be filed by the petitioner in the Secretary of State's office, where it shall be recorded in a book kept for that purpose; and the Secretary shall note in the margin of the original record of the grant the entry of the judgment, with a reference to the record in his office.

"§ 146-63. Action by State to vacate grants. An action may be brought by the Attorney General in the name of the State for the purpose of vacating or annulling letters patent granted by the State, in the following cases:

"(1) When he has reason to believe that such letters patent were obtained by means of some fraudulent suggestion or concealment of a material fact, made by the person to whom the same were issued or made, or with his consent or knowledge; or

"(2) When he has reason to believe that such letters patent were issued through mistake, or in ignorance of a material fact; or

"(3) When he has reason to believe that the patentee, or those claiming under him, have done or omitted an act in violation of the terms and conditions on which the letters patent were granted, or have by any other means forfeited the interest acquired under the same.

"SUBCHAPTER IV. MISCELLANEOUS.

"Article 14.

"General Provisions.

"§ 146-64. Definitions. As used in this Chapter:

"(1) 'State lands' means all land and interests therein, title to which is vested in the State of North Carolina, or in any State agency, or in the State to the use of any agency, and specifically includes all vacant and unappropriated lands, swamp lands, submerged lands, lands acquired by the State by virtue of being sold for taxes, escheated lands, and acquired lands.

"(2) 'Land' means real property, buildings, space in buildings, timber rights, mineral rights, rights-of-way, easements, and all other rights, estates, and interests in real property.

"(3) 'Vacant and unappropriated lands' means all State lands title to which is vested in the State as sovereign, and land acquired by the State by virtue of being sold for taxes, except swamp lands as hereinafter defined.

"(4) 'Swamp lands' means lands too wet for cultivation except by drainage, and includes

"(a) all State lands which have been or are known as 'swamp' or 'marsh' lands, 'pocosin bay', 'briary bay' or 'savanna', and which are a part of one swamp exceeding 2,000 acres in area, or which are a part of one swamp 2,000 acres or less in area which has been surveyed by the State; and

"(b) all State lands which are covered by the waters of any State-owned lake or pond.

"(5) 'Submerged lands' means State lands which lie beneath

"(a) any navigable waters within the boundaries of this State, or

"(b) the Atlantic Ocean to a distance of three geographical miles seaward from the coastline of this State.

"(6) 'Escheated lands' means all State lands, title to which has been acquired by escheat.

"(7) 'Acquired lands' means all State lands, title to which has been acquired by the State or by any State agency by purchase, devise, gift, condemnation, or adverse possession.

"(8) 'Navigable waters' means all waters which are navigable in fact.

"(9) 'State agency' includes every agency, institution, board, commission, bureau, council, department, division, officer, and employee of the State, but does not include counties, municipal corporations, political subdivisions of the State, county or city boards of education, or other local public bodies. The term 'State agency' does not include any private corporation created by Act of the General Assembly. In case of doubt as to

whether a particular agency, corporation, or institution is a State agency for the purposes of this Chapter, the Attorney General, upon request of the Governor and Council of State, shall make a determination of the issue. Upon a finding by the Attorney General that an agency, corporation, or institution is not a State agency for the purpose of this Chapter, the Governor and Council of State may execute a deed or other appropriate instrument releasing and quitclaiming all title and interest of the State in the lands of that agency, corporation, or institution.

"§ 146-55. Exemptions from Chapter. None of the provisions of Chapter 146 shall apply to:

"(1) The acquisition of highway rights-of-way, borrow pits, or other interests or estates in land acquired for the same or similar purposes, or to the disposition thereof, by the State Highway Department; or

"(2) The North Carolina State Ports Authority, the authority and powers thereof set forth or provided for by G. S. 143-216 through G. S. 143-228.1 or to the exercise of all or any of such authority and powers.

"Nor shall the provisions of Chapter 146 abrogate or alter any otherwise valid contract or agreement heretofore made and entered into by the State of North Carolina or by any of its subdivisions or agencies during the term or period of such contract or agreement.

"§ 146-66. Voidability of transactions. Any sale, lease, rental, or other disposition of State lands or of any interest or right therein, made or entered into contrary to the provisions of this Chapter, shall be voidable in the discretion of the Governor and Council of State.

"§ 146-67. Governor to employ persons. The Governor may employ persons to perform such services as may be necessary to carry out the provisions of this Chapter, and he shall fix the compensation to be paid for such services. All expenditures for such services shall be paid from the State Land Fund on order of the Director of the Budget, or the officer designated by him to issue such orders.

"§ 146-68. Statutes of Limitation. The provisions of G. S. 1-35, 1-36, and 1-37 are made applicable to this Chapter.

"§ 146-69. Service on State in land actions. In all actions and special proceedings brought by or against the State or any State agency with respect to State land or any interest therein, service of process upon the Director of Administration, with delivery to him of copies for the Attorney General and for the administrative head of each State agency known by the party in whose behalf service is made to have an interest in the land which is the subject of the action or proceeding, shall constitute service upon the State for all purposes.

"§ 146-70. Institution of land actions by the State. Every action or special proceeding in behalf of the State or any State agency with respect to State lands or any interest therein, or with respect to land being condemned by the State, shall be brought by the Attorney General in the name of the State, upon the complaint of the Director of Administration.

"Article 15.

"State Land Fund.

"§ 146-71. State Land Fund created. The State Land Fund, which is hereby created, shall consist of the moneys required by this Chapter to be paid into that Fund, together with such amounts as the General Assembly may appropriate thereto.

"§ 146-72. Purpose. The State Land Fund may, in accordance with rules and regulations adopted by the Governor and approved by the Council of State, be used for the following purposes:

"(1) To pay any expenses incurred in carrying out the duties and responsibilities created by the provisions of this Chapter.

"(2) For the acquisition of land, when appropriation is made for that purpose by the General Assembly.

"§ 146-73. Administration. The State Land Fund shall be administered by the Department of Administration, in accordance with rules and regulations adopted by the Governor and approved by the Council of State. All expenditures from the Fund shall be made upon order of the Director of the Budget, or of the officer designated by him to issue such orders.

"Article 16.

"Form of Conveyances.

"§ 146-74. Approval of conveyances. Every proposed conveyance in fee of State lands shall be submitted to the Governor and Council of State for their approval. Upon approval of the proposed conveyance in fee by the Governor and Council of State, a deed for the land being conveyed shall be executed in the manner prescribed in this Article.

"§ 146-75. Execution; signature; attestation; seal. Each such conveyance in fee shall be in the usual form of deeds of conveyance of real property and shall be executed in the name of the State of North Carolina, signed in the name of the State by the Governor, and attested by the Secretary of State; and the Greal Seal of the State of North Carolina shall be affixed thereto.

"§ 146-76. Exclusive method of conveying State lands. The manner and method of conveying State lands herein set out shall be the exclusive and only method of conveying State lands in fee. Any conveyance thereof by any other person or executed in any other manner or by any other method shall not be effective to convey the interest or estate of the State in such land.

"§ 146-77. Admission to registration in counties. Each such conveyance shall be admitted to registration in the several counties of the State upon the probate required by law for deeds of corporations.

"§ 146-78. Validation of conveyances of State-owned lands. All conveyances heretofore made by the Governor, attested by the Secretary of State, and authorized by the Council of State, in the manner provided by G. S. 146-74 and 146-75 of any lands, the title to which was vested in the State for the use of any State institution, department, or agency, or vested in the State for any other purpose, are hereby ratified and validated.

"Article 17.
"Title in State.

"§ 146-79. Title presumed in the State; tax titles. In all controversies and suits for any land to which the State or any State agency or its assigns shall be a party, the title to such lands shall be taken and deemed to be in the State or the State agency or its assigns until the other party shall show that he has a good and valid title to such lands in himself.

"In all controversies touching the title or the right of possession of any lands claimed by the State or by any State agency under any sale for taxes at any time heretofore made or which hereafter may be made, the deed of conveyance made by the sheriff or other officer or person making such sale, or who may have been authorized to execute such deed, shall be presumptive evidence that the lands therein mentioned were, at the time the lien for such taxes attached and at the time of the sale, the property of the person therein designated as the delinquent owner; that such lands were subject to taxation; that the taxes were duly levied and assessed; that the lands were duly listed; that the taxes were due and unpaid; that the manner in which the listing, assessment, levy, and sale were conducted was in all respects as the law directed; that all the prerequisites of the law were duly complied with by all officers or persons who had or whose duty it was to have had any part or action in any transaction relating to or affecting the title conveyed or purported to be conveyed by the deed, from the listing and valuation of the property up to the execution of the deed, both inclusive; and that all things whatsoever required by law to make a good and valid sale and vest the title in the purchaser were done, and that all recitals in such deed contained are true as to each and every of the matters so recited.

"In all controversies and suits involving the title to real property claimed and held under and by virtue of a deed made substantially as above, the person claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat such title, either that the real property was not subject to taxation for the year or years named in the deed, that the taxes had been paid before the sale, that the property had been redeemed from the sale according to the provisions of law, and that such redemption was had or made for the use or benefit of persons having the right of redemption under the laws of this State, or that there had been an entire omission to list or assess the property or to levy the taxes or to sell the property; but no person shall be permitted to question the title acquired under such sale and deed without first showing that he or the person under whom he claims title had title to the property at the time of the sale, and that all taxes due upon the property have been paid by such person or the person under whom he claims title.

"§ 146-80. Statute of limitations. No statute of limitations shall affect the title or bar the action of the State, or of any State agency or its assigns, unless the same would protect the person holding and claiming adversely against the State. Neither the State nor any State agency, nor its assigns, shall commence any action for the recovery of damages for timber cut and removed from land owned by the State or by any State

agency or for any other act of trespass committed on such lands, more than ten years after the occurrence of such cutting, removal, or other act of trespass. The provisions of this Section shall not have the effect of reviving any cause of action which was, at the date of ratification of this Chapter, barred by any applicable statute of limitations.

"§ 146-81. Title to lands sold for taxes. The title to all land acquired by the State by virtue of being sold for taxes is hereby vested in the State of North Carolina.

"§ 146-82. Protection of interest in lands sold for taxes. Whenever any lands in which the State of North Carolina or any State agency has an interest, by way of mortgage or otherwise, are advertised to be sold for any taxes or special assessment, or under any lien, the Department of Administration is authorized, if in its judgment it is necessary to protect the interest of the State, to appear at any sale of such lands and to buy the same as any other person would. For the purpose of paying therefor, the Director of the Budget is authorized to draw upon the State Land Fund.

"Article 18.

"Miscellaneous.

"§ 146-83. Vested rights protected. No provision of this Chapter shall be applied or construed to the detriment of vested rights, interests, or estates of any private individual, firm, or corporation, acquired prior to the ratification of this Chapter.

"§ 146-84. Partial invalidity. If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable."

Sec. 2. G. S. 143-341(4), as codified in the 1958 Replacement Volume 3B of the General Statutes, is amended by rewriting paragraphs "d" through "f" thereof to read as follows:

"d. To acquire, whether by purchase, exercise of the power of eminent domain, lease, or rental, all land, buildings, and space in buildings for all State agencies, subject to the approval of the Governor and Council of State in each instance. The Governor, acting with the approval of the Council of State, may adopt rules and regulations (1) exempting from any or all of the requirements of this paragraph such classes of lease, rental, easement, and right-of-way transactions as he deems advisable; and (2) authorizing any State agency to enter into and/or approve the classes of transactions thus exempted from the requirements of this paragraph; and (3) delegating to any other State agency the authority to approve the severance of buildings and standing timber from State lands; upon such approval of severance, the buildings and timber so affected shall be treated, for the purposes of this Chapter, as personal property. Any contract entered into or any proceeding instituted contrary to the provisions of this paragraph is voidable in the discretion of the Governor and Council of State.

"e. To make all sales of real property (including marsh lands or swamp lands) owned by the State or by any State agency, with the approval of the Governor and Council of State in each instance. All conveyances in fee by the State shall be executed in accordance with the provisions of G. S. 146-74 through 146-78. Any conveyance of land made or contract to convey land entered into without the approval of the Governor and Council of State is voidable in the discretion of the Governor and Council of State. The proceeds of all sales of swamp lands or marsh lands shall be dealt with in the manner required by the Constitution and statutes.

"f. With the approval of the Governor and Council of State, to make all leases and rentals of land or buildings owned by the State or by any State agency, and to sublease land or buildings leased by the State or by any State agency from another owner, where such land or building owned or leased by the State or by any State agency is not needed for current use. The Governor, acting with the approval of the Council of State, may adopt rules and regulations (1) exempting from any or all of the requirements of this paragraph such classes of lease or rental transactions as he deems advisable; and (2) authorizing any State agency to enter into and/or approve the classes of transactions thus exempted from the requirements of this paragraph; and (3) delegating to any other State agency the authority to approve the severance of buildings and standing timber from State lands; upon such approval of severance, the buildings and timber so affected shall be treated, for the purposes of this Chapter, as personal property. Any lease or rental agreement entered into contrary to the provisions of this paragraph is voidable in the discretion of the Governor and Council of State."

Sec. 3. G. S. 143-341(4), as codified in the 1958 Replacement Volume 3B of the General Statutes, is amended by adding at the end thereof a new paragraph, to be designated "1" and to read as follows:

"1. To manage and control the vacant and unappropriated lands, swamp lands, lands acquired by the State by virtue of being sold for taxes, and submerged lands of the State, pursuant to Chapter 146 of the General Statutes."

Sec. 4. G. S. 143-341(4), as codified in the 1958 Replacement Volume 3B of the General Statutes, is amended by adding to paragraph "i" the following sentence:

"The Department may have previously recorded instruments which conveyed title to or from the State or any State agency or officer re-indexed, where necessary, to show the State of North Carolina as grantor or grantee, as the case may be, and the cost of such re-indexing shall be paid from the State Land Fund."

Sec. 5. G. S. 153-9 is amended by adding at the end thereof a new paragraph, to be designated as "49", and to read as follows:

"49. Mapping and Discovery Contracts. The board of county commissioners of any county may enter into contracts for the mapping of the lands of the county and the discovery of lands therein not listed for taxes. The board may enter into continuing contracts for these purposes, some portion of which or all of which may be performed in an ensuing fiscal year,

but no such contract shall be entered into unless sufficient funds have been appropriated to meet any amount to be paid under the contract in the fiscal year in which the contract is made. The board of county commissioners shall, in the budget resolution of each ensuing fiscal year during which any such contract is in effect, appropriate sufficient funds to meet the amount to be paid under the contract in such ensuing fiscal year. The statement required by G. S. 153-130 to be printed, written, or typewritten on all contracts, agreements, or requisitions requiring the payment of money shall be placed on a continuing contract only if sufficient funds have been appropriated to meet the amount to be paid under the contract in the fiscal year in which the contract is made."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed, including Public Laws of 1933, C. 411, G. S. 143-144 through 143-151, G. S. 146-1 through 146-113, and G. S. 113-26, which are specifically repealed.

Sec. 7. This Act shall become effective on ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 227 CHAPTER 684

AN ACT TO AMEND PARAGRAPH 15 OF SECTION 108-3 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE LICENSING OF BOARDING HOMES.

The General Assembly of North Carolina do enact:

Section 1. § 108-3 of the General Statutes of North Carolina is hereby amended by rewriting the proviso beginning in line 5 of paragraph 15 of said Section to read as follows: "Provided said homes care for two or more persons."

Sec. 2. § 108-3 of the General Statutes of North Carolina is hereby amended by adding after the period in line 10 of paragraph 15 of said Section a new sentence which shall read as follows: "Any individual or corporation who shall operate any such home without having first received such license from the board shall be guilty of a misdemeanor."

Sec. 3. § 108-3 of the General Statutes is further amended by deleting the period after the words "hotels" appearing in the last line of paragraph 15 of said Section and adding the words "nor to any facility licensed by the Medical Care Commission under the provisions of G. S. 131-126.1(3) unless the facility receives Public Welfare Funds."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after January 1, 1960.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 305 **CHAPTER 685**

AN ACT TO VALIDATE CERTAIN AGREEMENTS BETWEEN TELEPHONE COMPANIES AND MUNICIPALITIES AND TO MAKE PROVISION FOR FUTURE AGREEMENTS.

The General Assembly of North Carolina do enact:

Section 1. Any franchise agreement or other arrangement heretofore made between any telephone company and any municipality in which the telephone company has agreed to furnish certain telephone service or facilities to the municipality is hereby in all respects validated during the life or term of such agreement or arrangement.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed, but nothing herein shall be construed as repealing, modifying, altering, or amending subsection (f) of G. S. 105-120.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 568 **CHAPTER 686**

AN ACT TO CONVEY THE STATE'S INTEREST IN A TRACT OF LAND USED BY SAINT AMBROSE EPISCOPAL CHURCH FOR RELIGIOUS PURPOSES.

WHEREAS, by Chapter 51 of the Public Laws of 1868-69, a lot at the northwest corner of Lane and Dawson Streets in the City of Raleigh was granted to a self-perpetuating board of trustees for a period of ninety-nine (99) years "for the purpose of a school for the education of children residing in and near the City of Raleigh"; and

WHEREAS, by Chapter 443 of the Public Laws of 1891, said trustees were empowered to sell said lot and reinvest the proceeds for the same purpose in some other real property in or near the City of Raleigh; and

WHEREAS, pursuant thereto said trustee sold said lot and purchased, by deed dated May 1, 1900, and recorded in the Wake County Registry in Book 157 at page 324, a lot at the southeast corner of Wilmington and Cabarrus Streets, being a parallelogram one hundred and twenty (120) feet on Wilmington Street and ninety (90) feet on Cabarrus Street; and

WHEREAS, for many years the trustees operated said school on said property in conjunction with Saint Ambrose Episcopal Church; and

WHEREAS, with the increase in public school facilities the need for the school authorized in the aforesaid laws ceased, and said school consequently was eventually discontinued; and

WHEREAS, for many years said property has been used, and still is used, for religious purposes by Saint Ambrose Episcopal Church, there being now located on said property a church building and rectory: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All the right, title, interest and estate of every sort whatever of the State of North Carolina in and to that certain tract of land located at the southeast corner of Wilmington and Cabarrus Streets in the City of Raleigh, Wake County, North Carolina, being a parallelogram one hundred and twenty (120) feet on Wilmington Street and ninety (90) feet on Cabarrus Street, is in consideration of the nominal sum of ten dollars ($10.00) hereby granted and conveyed in fee simple to the Rector, Wardens and Vestry of Saint Ambrose Episcopal Church in Raleigh, and their successors in office. The present members of the Board of Trustees created under Chapter 51 of the Public Laws of 1868-69 and Chapter 443 of the Public Laws of 1891 are hereby authorized and empowered to convey said property in fee simple absolute, without any restriction or limitation of any sort whatever, to the Rector, Wardens, and Vestry of Saint Ambrose Episcopal Church in Raleigh, and their successors in office.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 699 CHAPTER 687

AN ACT DEFINING THE RESPONSIBILITIES OF THE STATE HIGHWAY COMMISSION AND MUNICIPALITIES IN PROVIDING A COORDINATED SYSTEM OF STREETS AND HIGHWAYS IN AND AROUND MUNICIPALITIES.

WHEREAS, the economic welfare of the whole State depends upon a coordinated system of streets and highways that will bring the farmer to his market, the labor force to industry, and the shopper to the business district in an effective manner, and

WHEREAS, the most pressing problem faced in providing an effective coordinated system occurs inside municipalities where responsibility for the overall street system is divided between the State Highway Commission and the several municipalities, and

WHEREAS, it has become necessary to further define the respective responsibilities of the State Highway Commission and the several municipalities in order to coordinate the rebuilding of inadequate streets and highways for the economic welfare of the whole State, and

WHEREAS, it has become necessary to take immediate steps to reduce and minimize the increasing cost of rights of way for new street and highway construction: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Responsibility for Streets Inside Municipalities. Responsibility for streets and highways inside the corporate limits of municipalities is hereby defined as follows:

(1) The State Highway System. The State Highway System inside the corporate limits of municipalities shall consist of a system of major streets and highways necessary to move volumes of traffic efficiently and effectively from points beyond the corporate limits of the municipalities through the municipalities and to major business, industrial, governmental and institutional destinations located inside the municipalities. The State Highway Commission shall be responsible for the maintenance, repair, improvement, widening, construction and reconstruction of this system. These streets and highways within corporate limits are of primary benefit to the State in developing a State-wide coordinated system of primary and secondary streets and highways, but many of these streets and highways also have varying degrees of benefit to the municipalities. Therefore, the respective responsibilities of the State Highway Commission and the municipalities for the acquisition and cost of rights of way for State Highway System street improvement projects shall be determined by mutual agreement between the Commission and each municipality.

(2) The Municipal Street System. In each municipality the municipal street system shall consist of those streets and highways accepted by the municipality which are not a part of the State Highway System. The municipality shall be responsible for the maintenance, construction, reconstruction, and right of way acquisition for this system.

Sec. 2. Development of a Coordinated Street System in and Around Municipalities. (a) Each municipality, with the cooperation of the State Highway Commission, shall develop a comprehensive plan for a street system that will serve present and anticipated volumes of vehicular traffic in and around the municipality. The plan shall be based on the best information available including, but not limited to, population growth, economic conditions and prospects, and patterns of land development in and around the municipality, and shall provide for the safe and effective use of streets and highways through such means as parking regulations, signal systems, and traffic signs, markings, and other devices. The State Highway Commission may provide financial and technical assistance in the preparation of such plans.

(b) After completion and analysis of the plan, the plan may be adopted by both the governing body of the municipality and the State Highway Commission as the basis for future street and highway improvements in and around the municipality. As a part of the plan, the governing body of the municipality and the State Highway Commission shall reach an agreement as to which of the existing and proposed streets and highways included in the plan will be a part of the State Highway System and which streets will be a part of the municipal street system. As used in this Act, the State Highway System shall mean both the primary highway system of the State and the secondary road system of the State within municipalities.

(c) From and after the date that the plan is adopted, the streets and highways designated in the plan as the responsibility of the State Highway Commission shall become a part of the State Highway System and all such system streets shall be subject to the provisions of G. S. 136-93, and

all streets designated in the plan as the responsibility of the municipality shall become a part of the municipal street system.

(d) Either the municipality or the Commission may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Commission and the municipal governing board.

(e) Until the adoption of a comprehensive plan for future development of the street system in and around municipalities, the State Highway Commission and any municipality may reach an agreement as to which existing or proposed streets and highways within the municipal boundaries shall be added to or removed from the State Highway System.

(f) Streets within municipalities which are on the State Highway System as of July 1, 1959, shall continue to be on that system until changes are made as provided in this Section.

Sec. 3. Acquisition of Rights of Way. (a) When any one or more street construction or improvement projects are proposed on the State Highway System in and around a municipality, the State Highway Commission and the municipal governing body shall reach agreement on their respective responsibilities for the acquisition and cost of rights of way necessary for such project or projects. In reaching such agreement, the State Highway Commission and the municipality shall take into consideration:

(1) The relative importance of the project to a coordinated State-wide system of highways.

(2) The relative benefit of the project to the municipality.

(3) The degree to which the cost of acquisition of rights of way can be reduced or minimized through action by the municipality and/or the State Highway Commission to acquire all or part of the rights of way for proposed projects well in advance of construction of such projects.

(b) Whenever a municipality agrees to acquire rights of way for a State Highway System street improvement project, the State Highway Commission may agree to reimburse the municipality in whole or in part for expenditures made by the municipality to acquire such rights of way.

(c) In the acquisition of rights of way for any State Highway System street or highway within municipal boundaries, municipalities shall be vested with the same authority to acquire such rights of way as is granted to the State Highway Commission in Chapter 136 of the General Statutes of North Carolina.

(d) In the absence of an agreement, the State Highway Commission shall retain authority to pay the full cost of acquiring rights of way where the proposed project is deemed important to a coordinated State Highway System.

(e) Either the municipality or the State Highway Commission may at any time propose changes in the agreement setting forth their respective responsibilities for right of way acquisition by giving notice to the other party, but no change shall be effective until it is adopted by both the municipal governing body and the Commission.

(f) Any municipality which agrees to contribute any part of the cost of acquiring rights of way for any State Highway System street or high-

way shall be a proper party in any proceeding in court relating to the acquisition of such rights of way.

Sec. 4. Rules and Regulations. The State Highway Commission shall have authority to adopt such rules and regulations as are necessary to carry out the responsibilities of the Commission under this Act, and municipalities shall have and may exercise such authority as is necessary to carry out their responsibilities under this Act.

Sec. 5. The provisions of G. S. 136-41.1 and G. S. 136-37 are hereby repealed and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5 (a). This Act shall not apply to pending litigation.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 717 CHAPTER 688

AN ACT TO AMEND ARTICLE 3 OF CHAPTER 6 OF THE GENERAL STATUTES TO PROVIDE FOR THE ALLOWANCE OF COUNCIL FEES IN CERTAIN PERSONAL INJURY OR PROPERTY DAMAGE CASES.

The General Assembly of North Carolina do enact:

Section 1. Article 3 of Chapter 6 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 6-21, to be numbered G. S. 6-21.1, and to read as follows:

"G. S. 6-21.1. Allowance of Counsel Fees as Part of Costs in Certain Cases. In any personal injury or property damage suit, instituted in a court of record, where the judgment for recovery of damages is five hundred dollars ($500.00) or less, the presiding judge may, in his discretion, allow a reasonable attorney fee to the duly licensed attorney representing the litigant obtaining a judgment for damages in said suit, said attorney's fee to be taxed as a part of the court costs."

Sec. 2. This Act shall not affect pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 782 CHAPTER 689

AN ACT TO AMEND CHAPTER 837, SESSION LAWS OF 1953, RELATING TO THE SALARIES OF CERTAIN COUNTY OFFICIALS OF STOKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1, Chapter 837, Session Laws of 1953, relating to the salary of the Sheriff of Stokes County, is hereby amended by striking

out the words and figures "thirty-eight hundred dollars ($3800.00)", in lines two and three of said Section, and substituting in lieu thereof the words and figures "forty-eight hundred dollars ($4800.00)".

Sec. 2. Section 2, Chapter 837, Session Laws of 1953, relating to the salary of the Clerk of Superior Court of said county, is hereby amended by striking out the words and figures "thirty-six hundred dollars ($3600.00)", in lines two and three of said Section and substituting in lieu thereof the words and figures "forty-five hundred dollars ($4500.00)". The same Section 2 is further amended by adding a new sentence at the end thereof, to read as follows: "The Clerk of Superior Court shall receive an additional four hundred dollars ($400.00) for serving as judge of the juvenile court."

Sec. 3. Section 3, Chapter 837, Session Laws of 1953, relating to the salary of the register of deeds of said county, is hereby amended by striking out the words and figures "thirty-six hundred dollars ($3600.00)", in lines two and three of said Section, and inserting in lieu thereof the words and figures "forty-five hundred dollars ($4500.00)".

Sec. 4. Section 4, Chapter 837, Session Laws of 1953, relating to the salary of the Assistant Clerk of the Superior Court of said county, is hereby amended by striking out the words and figures "three thousand dollars ($3000.00)" in line three of said Section, and inserting in lieu thereof the words and figures "thirty-nine hundred eighty-four dollars ($3984.00)".

Sec. 5. Section 5, Chapter 837, Session Laws of 1953, relating to the salary of the deputy register of deeds of said county, is hereby amended by striking out the words and figures "three thousand dollars ($3000.00)", in lines two and three of said Section, and inserting in lieu thereof the words and figures "thirty-six hundred thirty-six dollars ($3636.00)".

Sec. 6. Section 6, Chapter 837, Session Laws of 1953, relating to the salary of the tax supervisor and tax collector of said county, is hereby amended by striking out the words and figures "shall be paid an annual salary of thirty-three hundred sixty dollars ($3360.00) per year, and in addition thereto shall receive an expense allowance in the amount of six hundred dollars ($600.00) per year, payable in equal monthly installments", in lines three to five of said Section, and inserting in lieu thereof the words "shall be paid an annual salary and expense allowance fixed by the board of county commissioners". Said Section 6 is hereby further amended by striking out the words "herein fixed for" in line seven of said Section, and inserting in lieu thereof the words "allowed to".

Sec. 7. Section 8, Chapter 837, Session Laws of 1953, relating to the special deputy sheriffs of said county, is hereby amended by striking out the word and figure "two (2)" in line two of said Section, and inserting in lieu thereof the word and figure "four (4)". The same Section 8 is further amended by striking out the words and figures "two hundred and fifty dollars ($250.00) per month" in lines six and seven of said Section and inserting in lieu thereof the words and figures "three hundred dollars ($300.00) per month". The same Section 8 is further amended by adding a new sentence at the end thereof, to read as follows: "Each special deputy sheriff shall receive a subsistence allowance of three hundred sixty dollars

($360.00) per year. Said subsistence allowance shall be paid in equal monthly installments from the general fund of the county."

Sec. 8. Section 9, Chapter 837, Session Laws of 1953, relating to the per diem compensation of the board of county commissioners and the board of education of said county, is hereby amended by striking out the words and figures "fifteen dollars ($15.00)", in line three of said Section, and inserting in lieu thereof the words and figures "twenty dollars ($20.00)".

Sec. 9. The Deputy Clerk of the Superior Court of Stokes County shall be paid a salary of thirty-two hundred sixty-four dollars ($3264.00) per year, payable in equal monthly installments from the general fund of the county.

Sec. 10. In addition to the fees and emoluments now allowed by law, the County Commissioners of Stokes County may, in their discretion, provide a salary for the county jailer in such an amount as they may deem necessary to the efficient operation of the county jail and may provide needed assistance to the county jailer and pay the costs thereof.

Sec. 11. The salaries herein provided shall be effective from and after January 1, 1959.

Sec. 12. Section 1 of Chapter 504, Public-Local Laws of 1933, abolishing the office of auditor and imposing the duties of the auditor on the register of deeds, is hereby repealed, it being the intent and purpose of this Section to bring Stokes County under Section 153-115 of the General Statutes, authorizing the board of county commissioners to appoint a county accountant, or to impose and confer the duties of the county accountant upon some other officer and to set or adjust the compensation of such officer.

Sec. 13. Chapter 835, Session Laws of 1957, and all other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 784 CHAPTER 690

AN ACT AMENDING CHAPTER 26 OF THE PRIVATE LAWS OF 1891 BEING THE CHARTER OF THE TOWN OF WADESBORO RELATING TO THE COMPENSATION OF THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 26 of the Private Laws of North Carolina, 1891, being the Charter of the Town of Wadesboro is hereby amended by striking out all of Section 25 and inserting in lieu thereof the following:

"Sec. 25. The board of commissioners may determine the compensation of the mayor, town clerk and treasurer and all other officers and employees of the municipality. From and after the first day of July, 1959, each mem-

ber of the board of commissioners shall receive as compensation for their service the amount of thirty dollars ($30.00) per month.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 836 CHAPTER 691

AN ACT TO AMEND G. S. 7-134 TO FIX THE FEES TO BE CHARGED BY JUSTICES OF THE PEACE OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-134, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by striking from line 2 thereof the word "Caldwell" as the same appears between the words "Cabarrus" and "Chatham".

Sec. 2. G. S. 7-134 is further amended by adding at the end thereof the following:

"In Caldwell County the justices of the peace shall charge the following fees:

Issuing warrant	$2.50
Issuing warrant and trial of case	4.00
Civil Summons	2.50
Claim and Delivery	3.50
Ejectment	2.50
Attachment proceedings	3.50"

Sec. 3. From and after the ratification of this Act the fees charged by justices of the peace of Caldwell County shall be as set out in Section 2 of this Act. Provided, that when a fee is not fixed herein, such fee shall be as provided by G. S. 7-134.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 838 CHAPTER 692

AN ACT REWRITING SECTION 3, CHAPTER 372, PUBLIC-LOCAL LAWS OF 1927, FIXING OF FEES TO BE CHARGED BY JUSTICES OF THE PEACE IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 3, Chapter 372, Public-Local Laws of 1927, be and the same is hereby rewritten to read as follows:

"Sec. 3. The Justices of the Peace of Ashe County shall receive the following fees and none other:

1. For attachment with one defendant, 50¢; and if more than one defendant, 25¢ for each additional defendant.

2. Transcript of judgment, 50¢.

3. Summons, $1.00, if more than one defendant in the same case; for each additional defendant, 25¢.

4. Subpoena for each witness, 50¢.

5. Trial when issues are joined, $4.50; and if no issues are joined, then a fee of $4.00 for trial and judgment.

6. Taking an affidavit, bond or undertaking, or for an order of publication, or an order to seize property, 50¢.

7. For jury trial and entering verdict, $4.00.

8. Execution, 50¢.

9. Renewal of execution, 50¢.

10. Return to an appeal, 50¢.

11. Order of arrest in civil actions, $1.00.

12. Warrant of arrest in all criminal and bastardy cases, including affidavit or complaint, $1.00.

13. Warrant of commitment, $1.00.

14. Taking deposition on order or commission, per one hundred words, $1.00.

15. Garnishment for taxes, and making necessary return and certificate of same, $1.00.

16. For hearing petition for widow's year's allowance, issuing notice to commissioners and allotting the same, $3.00.

17. For filing and docketing laborers' lien, $1.00.

18. Probate of a deed or other writing proved by a witness, including the certificate, 50¢.

19. Probate of a deed or other writing executed by a married woman, proper acknowledgment and private examination, with the certificate thereof, 50¢.

20. Probate of a deed or other writing acknowledged by the signers or makers, including all except married women who acknowledge at the same time, with the certificate thereof, 50¢.

21. Probating chattel mortgage, including the certificate, 50¢.

22. For issuing all papers and copies thereof in an action for claim and delivery, and the trial of the same, if issues are joined; when there is one defendant, $3.00; and if more than one defendant in action, $1.00 for each additional defendant and 50¢ for each subpoena issued in said cause, and 50¢ for the replevy bond when one is given.

23. For holding trial of case removed, the justice of the peace sitting in trial shall receive $3.00 of above cost for such trial and judgment. In addition, there should be collected from defendant found guilty or entering a plea, the sum of $2.00 for Officers' Retirement Fund, and sheriff's costs of $3.00 for criminal arrest, or $2.00 for serving civil papers. Sheriff also entitled to 60¢ for serving subpoena."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 840 CHAPTER 693

AN ACT AMENDING ARTICLE 25, CHAPTER 115 OF THE GENERAL STATUTES RELATING TO THE SELECTION AND ADOPTION OF TEXTBOOKS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-206 be and the same is hereby amended by deleting the word "all" appearing in line 7 thereof.

Sec. 2. That G. S. 115-207 be and the same is hereby amended by inserting after the colon following the word "school" appearing in line 9 thereof, the following:

"Provided, the board may, in its discretion and within funds available, adopt two basal readers for grades four to eight inclusive:"

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 854 CHAPTER 694

AN ACT TO AMEND CHAPTER 776 OF THE SESSION LAWS OF 1957 RELATING TO THE FEES TO BE CHARGED BY JUSTICES OF THE PEACE IN MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 776 of the Session Laws of 1957 is hereby amended by adding a new subsection, immediately following subsection 22, to be designated as subsection 23, and to read as follows:

"23. For docketing warrants in the justice's docket in all cases which the justice of the peace has original jurisdiction, one dollar ($1.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 857 **CHAPTER 695**

AN ACT TO AMEND G. S. 153-5 TO PROVIDE FOR ELECTION OF SAMPSON COUNTY COMMISSIONERS FOR TERMS OF FOUR YEARS EACH.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-5, relating to local modifications as to terms and numbers of county commissioners, is hereby amended by adding at the end thereof a new paragraph to read as follows:

"Commencing with the election in 1960 and every four years thereafter, the County Commissioners of Sampson County shall be elected for terms of four years each."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 880 **CHAPTER 696**

AN ACT CREATING THE DURHAM CITY-COUNTY CHARTER COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Durham City-County Charter Commission Created. There is hereby created the Durham City-County Charter Commission. The Commission shall have the duty of studying the operations of city and county government to determine whether the effectiveness of local government can be increased through changes in the structure of city and county government, and to submit a plan for changes in the structure of local government to the voters of the City and County of Durham.

Sec. 2. Membership; Terms. There shall be 11 members of the Commission who shall be chosen in the following manner:

(a) Four members appointed by the board of county commissioners, of whom two shall be members of the board of county commissioners and two shall be citizens selected by the board. The citizens selected by the board may reside either inside or outside the City of Durham.

(b) Four members appointed by the City Council of the City of Durham, of whom two members shall be members of the City Council. The other two members shall be residents of the City of Durham.

(c) Three members to be chosen by unanimous vote of the eight members provided under subsections (a) and (b). Such members may have residence either inside or outside the City of Durham. If the eight members chosen under subsections (a) and (b) cannot agree on the three additional members of the Commission, this fact shall be reported to the Resident Superior Court Judge who shall appoint three residents of Durham County to complete the membership of the Commission.

Vacancies in the membership of the Commission shall be filled by the original appointing authority.

Sec. 3. Organization of the Commission.

(a) On or before October 1, 1959, the chairman of the board of county commissioners and the Mayor of the City of Durham shall call a meeting of the Durham City-County Charter Commission for the purpose of organization. The Commission shall elect from among its members a chairman and such other officers as it may deem necessary; may adopt such rules and regulations not inconsistent with this Act as it may deem necessary for the proper discharge of its duties; and may establish such committees as the work of the Commission may require.

(b The Commission shall hold regular meetings at places and dates to be determined by the Commission, but in any event the Commission shall meet at least once monthly until its work is completed. Special meetings may be called by the chairman on his own initiative and must be called by him at the request of three or more members of the Commission. All members of the Commission shall be notified by the chairman in writing of the time and place of special meetings at least three days in advance of such meeting.

(c) The Commission shall have the power to employ technically trained and/or clerical personnel to assist it or to contract with persons, firms or corporations for special and technical services or studies.

(d) As soon as possible after its organization, the Commission shall estimate the funds which will be necessary for it to carry out its functions, and shall request appropriations from the City of Durham and from the County of Durham. It is the intent of this Act that the work of the Commission shall be supported equally by the City of Durham and by the County of Durham to the extent that public funds are used. The Commission is also authorized to accept gifts from persons, firms and corporations so long as such gifts are made available to the Commission to be used in its absolute discretion for the purposes of this Act. Appropriations to the Commission may be made from any funds available to the city and county, and an appropriation to this Commission is hereby declared to be for a special purpose within the meaning of Article V, Section 6, of the North Carolina Constitution.

(e) The City of Durham and the County of Durham shall make available to the Commission any information requested by the Commission, and they are hereby authorized to assist the Commission through gifts of necessary supplies and equipment, and temporary loans of personnel.

(f) The Commission shall select one of its members as treasurer with authority to collect, deposit, and disburse funds made to the Commission from any source whatsoever. The treasurer of the Commission shall, before entering upon his duties, post a surety bond conditioned upon the faithful discharge of his duties in an amount and form fixed by the Commission. All moneys received for the Commission shall be deposited in a separate bank account, shall be earmarked for the use of the Commission, and shall be paid out on warrants signed by the treasurer and countersigned by the chairman of the Commission: Provided, the countersigning officer shall

countersign such warrants only when they are within the amount of appropriations made according to the budget of the Commission.

Sec. 4. Alternatives. The Durham City-County Charter Commission shall make a thorough study of governmental operations in the city and county, and as a result of their study may, at any time prior to February 1, 1961, submit to the voters of Durham County, according to the procedures set forth in Section 8 of this Act, a plan for reorganization of government in Durham County. Such plan may be based on any one of the alternatives set forth in Sections 5, 6, and 7 of this Act.

Sec. 5. Redefining City and County Responsibilities. The Durham City-County Charter Commission shall have the power to submit a plan of government based on the provisions of this Section if, on the basis of its studies, the Commission makes any one or more of the following findings: (a) That more efficient government will result from performance of a specified function or functions by one governmental unit instead of by both the city and the county governments; (b) That for the health, safety and welfare of the people of the county and/or the more effective coordination of growth and development in the county, any function now performed by the city alone should be made available to all the residents of the county or any power now exercised by the city alone should be exercised county-wide; (c) That a fairer distribution of tax burdens will result from performance or financial support by the county of a function now performed and/or financially supported in whole or in part by the city; (d) That a fairer distribution of tax burdens will result from performance or financial support by the city or by a special district of any function or functions now performed and/or financially supported in whole or in part by the county; (e) That for the health, safety and welfare of the residents of areas outside the city, municipal-type functions should be provided in such areas on a special district basis. Such plan shall be submitted in written form, and may include one or more of the following provisions:

1. Transfer of responsibility for one or more specified functions from the city to the county.

2. Transfer of responsibility for one or more specified functions from the county to the city.

3. Creation of an agency or agencies supported jointly by the city and county with power to perform one or more functions now performed by the city or the county or both.

4. Provision for the financing of all functions of government affected by changes under subsections (1), (2) or (3) of this Section. Upon the transfer of responsibility for a given function of government from the city to the county, the levy of taxes by the county for the financial support of such functions shall be a special purpose within the meaning of Article V, Section 6, of the North Carolina Constitution. Where necessary, the plan shall set forth the basis of financial support for a single agency established to perform functions for both the city and the county, either specifying the amount of support to come from the city and the county or the basis upon which the amount of support to be provided by each unit of government can be calculated.

5. Vesting in the county government any power now exercised by the city, and specifying whether such power is to be exercised county-wide or county-wide outside the jurisdiction of the city government.

6. Provision for the creation of special districts within which functions of government may be provided which are not desired county-wide. The plan shall provide that governmental activities within such districts shall be under the supervision of the county, and shall be financed by property taxes levied within the districts or service charges collected within the districts. The plan shall also provide for approval by the voters of the district of authority for the county commissioners to levy property taxes sufficient to meet the cost of services provided. The plan may provide for the election or appointment of an advisory board of citizens resident within the district to serve as liaison with the board of county commissioners. The plan may also provide for contractual arrangements between the county and the city whereby the city, under contract, shall perform municipal-type services in such urban districts.

The intent of this Section is to delegate to the Charter Commission the power to submit a plan of government for Durham County that will meet the standards set forth in the first paragraph of this Section. To this end any amendments of general or special laws applying to Durham County or the City of Durham which are found necessary to put any of the provisions of the plan into effect are expressly authorized, so long as the Charter Commission does not include in the plan any provision which is contrary to the Constitution of North Carolina or which vests in either the City of Durham or the County of Durham responsibility for a function of government not now performed by either the City of Durham or the County of Durham. The plan may also include changes in the method of selecting personnel responsible for any of the functions affected by the plan so long as such personnel provisions are not contrary to the provisions of the North Carolina Constitution, and amendments to general and special laws applying to the City of Durham and the County of Durham necessary to put such personnel provisions into effect are expressly authorized.

Sec. 6. A Unified Governing Board. The City-County Charter Commission shall have the power to submit a plan of government to the voters of Durham County which, in addition to any provision authorized in Section 5 of this Act, may include provisions based on the provisions of this Section, if on the basis of its studies, the Commission shall determine that better coordination of all local governmental activities or of expenditures of public funds in Durham County would result from the creation of a unified governing board which would serve both as the City Council of the City of Durham and as the Board of County Commissioners of the County of Durham without changing the separate corporate status of either the city or the county. Such plan shall be submitted in written form, and shall provide for:

1. Election of a governing board, all of whose members would constitute the governing body for Durham County, and part of whose members would constitute the governing body for the City of Durham. The plan shall fix the number and terms of office for such governing board members, and

may provide either for regular or staggered terms of office, so long as the maximum term of office does not exceed six years. The plan shall provide for the election of part of the members of such governing board by the voters of the City of Durham, and such members elected by the voters of the City of Durham shall serve as the City Council of the City of Durham. The plan may provide for the election of such members by the voters of the City of Durham by wards, or at large, or by any combination of wards and at large. The plan shall also provide for election of additional members of the governing board to be elected by either all the voters of the county, or by all the voters of the county outside the city, or by voters from districts established outside the city, or by any combination of such means of election. Such additional members, together with the members elected by the voters of the City of Durham, shall constitute the governing board for the County of Durham.

2. Election of an elected executive and/or an appointed administrator or manager. The plan may provide for election of a county executive, or an appointed administrator or manager, or both. The term of office of an elected executive shall not exceed six years, and he shall be the presiding officer of the governing board. The elected executive may be given any powers now held by the Mayor of the City of Durham and/or the Chairman of the Board of County Commissioners of the County of Durham, or any of the powers now held by either the city manager or the county manager. The appointed manager or administrator may be given any of the powers now held by either the city manager or the county manager.

3. The method of selection of all administrative officers of the City of Durham and the County of Durham. The plan may provide for merger of any or all of the administrative departments, agencies or offices of the county and the city, into single departments, agencies or offices under the supervision of the governing board. The plan shall, in the event of the merger of one or more administrative departments, agencies or offices, provide the extent to which or the basis under which such offices or departments shall be supported by the City of Durham and by the County of Durham.

The intent of this Section is to delegate to the Charter Commission the power to submit a plan for government in Durham County that will meet the standards set forth in the first paragraph of Section 5 and the first paragraph of this Section. To this end any amendments of general or special laws applying to Durham County or the City of Durham which are found necessary to put any of the provisions of the plan into effect are expressly authorized, so long as the Charter Commission does not include in the plan any provision which is contrary to the Constitution of North Carolina or which provides for the performance anywhere in Durham County of a function of government not now performed by either the City of Durham or the County of Durham. The plan may also include changes in the method of selecting personnel responsible for any of the functions, agencies or offices affected by the plan, so that necessary personnel may be selected in accordance with the objectives of the plan, and amends to general or special laws applying either to the City of Durham

or the County of Durham which are found necessary to put provisions of the plan into effect are expressly authorized, so long as provisions affecting personnel election or appointments are not contrary to the provisions of the North Carolina Constitution.

Sec. 7. A Unified City-County Government. The Durham City-County Charter Commission shall have the power to submit a plan of government based on the provisions of this Section if, on the basis of its studies, the Commission makes the following findings: (a) That more efficient and effective administration of governmental functions will result from performance of all governmental powers and functions by one governmental unit instead of two or more such units; (b) That more effective determination of governmental policy for the residents and taxpayers of Durham County can be made by one governing body on behalf of the entire county than by two or more such governing bodies; (c) That future growth and development in the county can be better coordinated by one governmental unit than by two or more such units; (d) That fairer distribution of tax burdens will result from support of all county-wide governmental functions by one governmental unit and support of all governmental functions specially required in areas less than county-wide in jurisdiction by the residents of such areas. Such plan shall be submitted as a written charter setting forth the organization, powers and functions of a unified city-county government, and shall include provisions for the following aspects of organization and administration:

A. Form and Structure of Government.

(1) Membership and terms of the governing board. The charter shall provide for an elected governing board, shall fix the number of members of such board, shall provide for election of such members either at large or by districts or by any combination of districts and at large, and shall fix the terms of office of such governing board members so long as the maximum term of office does not exceed six years.

(2) Administration. The charter may provide for an elected executive, or for an appointed administrator or manager, or both. The term of office of an elected executive shall not exceed six years, and he may be given any of the powers presently held by the Mayor of the City of Durham, or by the Chairman of the Board of County Commissioners of the County of Durham, or of the City Manager of the City of Durham, or of the County Manager of the County of Durham. He shall be the presiding officer of the governing board. Responsibility for administration of the city-county government may be vested in an appointed administrator who may be given any of the powers presently held by the City Manager of the City of Durham or by the County Manager of the County of Durham.

(3) Organization. The charter shall provide for the organization of all departments of the city-county government, and shall provide for the appointment or selection of all personnel found necessary to carry out the functions of the city-county government. Amendments to existing general and special laws which are found necessary to carry out the intent of this Section are expressly authorized, so long as such provisions concerning

the organization of city-county government are not contrary to the provisions of the North Carolina Constitution.

The city-county government shall be given express responsibility for all functions performed at the time the charter goes into effect by the City of Durham and the County of Durham, and the charter shall provide for employment by the city-county government at the time the charter goes into effect of every employee and full-time officer of the City of Durham and the County of Durham on such date at a salary and/or compensation equal to that received by such employee or full-time officer from the city or county. The intent of this provision is to insure that no employee or full-time officer of the city or county is deprived of employment as the sole and direct result of adoption of the charter, but shall not be construed to limit the power of the city-county government under the charter to supervise its employees or to require such government to replace every such employee or full-time officer once he has resigned or retired or been discharged for valid reasons under personnel powers set forth in the charter.

B. Powers and Responsibilities.

(1) The charter shall make the city-county government responsible for all functions presently performed by either the City of Durham or the County of Durham, and may vest in the city-county government all substantive powers presently vested by general or special law in either the City of Durham or the County of Durham which are necessary to carry out such functions. The charter shall not include any substantive power not held at the time the charter goes into effect by either the City of Durham or the County of Durham. The charter shall vest in the city-county government all the discretionary powers held at the time the charter goes into effect by either the City of Durham or the County of Durham under the provisions of special Acts or of general laws applying to either municipalities or counties, but the exercise of powers now held only by the City of Durham may be limited to the boundaries of special districts hereinafter provided for if the Charter Commission shall find that such powers are required primarily for the health, safety and welfare of persons and property in congested or rapidly-growing urban areas or communities.

(2) The city-county government shall be deemed a "city" or "town" or "municipality" under the provisions of all general laws granting powers to cities, towns and municipalities in North Carolina. The exercise of all or part of such powers may be limited to the boundaries of districts hereinafter provided for if the Charter Commission shall find that all or any part of such powers are required primarily for the health, safety and welfare of persons and property in congested or rapidly-growing urban areas or communities. If the creation of a unified city-county government conflicts with existing general and special laws applying to the City of Durham so that the powers of the city-county government are not clearly identified, provisions in the charter amending such general and special laws are expressly authorized so long as such provisions resolve such conflicts in a manner which is consistent with the intent of this Act, are not inconsistent

with the provisions of the North Carolina Constitution, and are not inconsistent with the substantive provisions of general laws defining the responsibilities of municipalities.

(3) The charter shall make the city-county government responsible for all functions vested in counties by general laws, and for all responsibilities vested in the County of Durham by special Act of the General Assembly and not inconsistent with the purpose of a unified city-county government. The city-county government shall be deemed a "county" under the provisions of all general laws granting powers to counties or fixing responsibilities for the performance of county functions. If the creation of a unified city-county government conflicts with existing general or special laws applying to the County of Durham so that the powers of the city-county government are not clearly identified, provisions in the charter amending such general or special laws and expressly authorized so long as such provisions resolve such conflicts in a manner which is consistent with the intent of this Act, are not inconsistent with the provisions of the North Carolina Constitution, and are not inconsistent with the substantive provisions of general laws defining the responsibilities of counties.

(4) The purpose of a charter to be submitted to the voters of Durham County under the provisions of this Section is to provide a unified government for Durham County. The General Assembly expressly recognizes that a unified city-county government is a new approach to the administration of governmental functions at the city and county level and that the drafting of a charter may raise many procedural questions as to the powers and responsibilities of a city-county government. Charter provisions amending general and special laws applying to the City of Durham and the County of Durham found necessary to accurately define the powers and responsibilities of a unified city-county government are expressly authorized, so long as such provisions are in accordance with the provisions of the North Carolina Constitution and are not inconsistent with the substantive provisions of general laws defining the responsibilities of cities and counties in North Carolina, and are not inconsistent with the substantive provisions of general and special laws defining the responsibilities of the City of Durham and the County of Durham.

C. Creation of Special Districts.

(1) The charter may provide for the creation of special districts by the city-county governing board in any part of the county so long as such districts embrace an area less than the entire county. The charter may provide for the performance within such districts of governmental functions which are not provided on a county-wide basis so long as such functions are paid for only by taxes levied in or revenues accruing to such districts.

(2) The charter may provide for the creation of such districts by the city-county governing board either on the basis of a petition signed by a specific proportion of the property owners in the district or on the basis of an election within the proposed district or on the basis of a finding by the city-county governing board that creation of the district is necessary for the health, safety and welfare of the residents of the district. The charter may provide either (1) that a separate governing board be elected

in each such district with the power to levy taxes and administer functions and services made the responsibility of the district, or (2) that the city-county governing board administer all functions and services made the responsibility of the district and levy taxes for the support of such functions and services within limits fixed in the charter and specifically approved by a vote of the people resident in each such district at the time the charter is adopted or at the time the district is created. In fixing limits on ad valorem property tax rates which may be levied by the city-county governing board for the support of district functions and services, the charter shall not permit the city-county governing board to levy a rate in excess of two dollars ($2.00) per one hundred dollars ($100.00) valuation.

(3) The charter shall make provisions for the organization and administration of such districts to the end that such districts shall have the power and authority necessary to perform the governmental functions and services to be provided in such districts. Charter provisions providing the procedure for the creation of such districts, setting forth the powers and functions of such districts, and providing for the administration of district functions and services are expressly authorized so long as such provisions are not contrary to the provisions of the North Carolina Constitution, and do not grant such districts substantive powers or permit the city-county governing board to exercise in such districts substantive powers greater than the substantive powers held by either the City of Durham or the County of Durham at the time the charter goes into effect. The charter shall provide for the alteration or extension of the boundaries of such districts in any manner provided by general or special law at the time the charter goes into effect for the extension of the boundaries of special districts or municipalities in the State of North Carolina.

D. Financing City-County Government.

(1) The charter shall provide for the financing of the city-county government in either one of two ways. It may make the city-county government subject to general legislation governing the financing of counties, and of any special legislation governing the financing of Durham County, and upon the adoption of such a provision, taxes levied for the support of functions formerly performed by the City of Durham and taken over by the city-county government on a county-wide basis shall be for a special purpose and shall be a necessary expense for the city-county government. In the alternative the charter may provide that general and special legislation governing the financing of Durham County at the time the charter is adopted shall apply to the financing by the city-county government of functions of government the responsibility for which is vested in Durham County by general and special legislation at the time the charter is adopted, while general and special legislation governing the financing of the City of Durham at the time the charter is adopted shall apply to the financing by the city-county government of functions of government the responsibility for which is vested in the City of Durham at the time the charter is adopted. It is the intent of this Act that effective procedures be established for the financing of a unified city-county government within the general policies set forth for the financing of city and county governments in

North Carolina by general legislation concerning budget-making, fiscal control, the incurrence of debt and other financial procedures, and charter provisions amending such general laws or special legislation on such procedures applying to either the City of Durham or the County of Durham which are found necessary to more accurately set forth the procedures governing the financing of the city-county government and to eliminate apparent procedural conflicts with general and special legislation applying to the city and the county are expressly authorized, so long as they are not inconsistent with the provisions of the North Carolina Constitution.

(2) The charter shall provide for the assumption by the city-county government of responsibility for all obligations and debts which are presently the responsibility of the City of Durham and the County of Durham. If in the charter a special district is created to include the present boundaries of the City of Durham, the charter shall make the property owners within that district responsible for that part of the outstanding debt or other obligations of the City of Durham which was incurred to provide facilities which are to be used solely for the benefit of, or provision of services to, residents of such district.

(3) The charter may authorize special districts to contract debt, subject to the approval of the city-county governing board, in accordance with procedures now applicable to the City of Durham by general or special Act. Where the creation of special districts creates procedural conflicts with such general or special legislation, charter amendments to set forth more accurately the procedures to be followed in incurrence of debt by such districts are specifically authorized, so long as such procedures are consistent with the provisions of the North Carolina Constitution and are consistent with the substantive provisions of such general and special legislation.

(4) The charter shall specifically set forth the power of the city-county governing board, and the power of special districts, to levy taxes and raise revenues for all functions of government to be performed by such city-county government or such special districts. The charter may give the city-county government all powers vested in the City of Durham by general or special Act at the time the charter is adopted to assess the cost of local improvements such as streets, drainage facilities, and water and sewer lines against abutting property owners, or it may limit the exercise of such powers to the boundaries of special districts if the Commission determines that such improvements are necessary for the health, safety and welfare of the residents of such districts alone. The power of the city-county government to levy taxes on real and personal property shall not exceed the total powers vested in the City of Durham and the County of Durham at the time the charter is adopted.

(5) With respect to all general and special legislation providing for a distribution of State revenues to counties, the city-county government shall be deemed to be a "county". With respect to distributions of revenue now made to municipalities under the provisions of G. S. 105-213 (intangibles tax) and G. S. 18-81 (beer and wine tax), special districts created under the provisions of the charter shall be deemed to be "municipalities"

or "cities and towns". With respect to distributions of revenues now made to municipalities under the provisions of G. S. 105-116 and 120, the city-county government shall be deemed to be a "municipality". With respect to distributions of revenue now made to municipalities under the provisions of G. S. 136-41.2, the city-county government shall be deemed to be a "municipality" if the charter vests responsibility in the city-county government for the construction, reconstruction and maintenance of all streets and highways in the county which, under the provisions of Chapter 136 of the General Statutes, are not a part of the State primary highway system or of the State secondary road system within municipalities. If responsibility for the construction, reconstruction and maintenance of non-State system streets and highways within the City of Durham at the time the charter is adopted is vested in a special district, then such special district shall be a "municipality" within the meaning of G. S. 136-41.2. With respect to the power of local political subdivisions to levy and collect privilege license taxes, the city-county government shall be deemed to be a "municipality" or "city or town" within the meaning of G. S. 160-36 and Article II of Chapter 105.

E. Transition Provisions.

The charter shall fix the effective date on which the new unified city-county government shall go into effect, and shall provide for all transitional steps necessary to transfer all responsibilities, property, revenues and obligations of the present City of Durham and the present County of Durham to the new unified city-county government and to any district government established under such government.

Sec. 8. Approval of the Plan.

(a) When the Durham City-County Charter Commission has completed its study and has prepared its recommendations in the form of either a written plan or a new charter, the Commission shall hold one or more public hearings on its recommended course of action. The notice of public hearings shall (1) fix the date, hour and place of the public hearing or hearings; (2) state the purpose of the hearing and state that the text of the plan or charter will be available at the office of the municipal clerk and at the office of the county manager at least 14 days prior to the date of the public hearing. Such notice shall be given by publication in a newspaper having general circulation in Durham County for at least two successive weeks prior to the date of the first hearing.

(b) Action prior to hearing. At least 14 days before the date of the public hearing, the City-County Charter Commission shall deposit the full text of its proposed plan or charter with the municipal clerk of the City of Durham and with the County Manager of the County of Durham and such plan or charter shall be available to the public at such office. In addition the City-County Charter Commission shall have authority to publish the full plan or charter, or a summary of such plan or charter, for such public distribution as it deems it desirable.

(c) At the public hearings all persons resident or owning property within Durham County shall be given an opportunity to be heard.

(d) Following the public hearing, the City-County Charter Commission shall make whatever changes in the plan or charter that it deems desirable, and shall then forward the plan or charter to the Durham County Board of Elections. Upon receipt of the plan or charter, the Durham County Board of Elections shall fix the date for the voters of the County of Durham to vote for or against the proposed plan or charter. The election may be held on the general election day in November of 1960, or on any other date fixed by the Durham County Board of Elections so long as such election date does not fall within 20 days before or after the general election date of November, 1960 and so long as such election is held prior to February 1, 1961. The election shall be held in accordance with the laws governing general elections in Durham County, and the expenses of such election shall be paid one half by the City of Durham and one half by the County of Durham. The form of the ballot shall be substantially as follows:

( ) For Plan (Charter) proposed by Durham City-County Charter Commission

( ) Against Plan (Charter) proposed by Durham City-County Charter Commission.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. Effective Date of Plan or Charter. If the plan or charter is approved by a majority of the voters of the County of Durham voting in the election, then such plan or charter shall be in full force and effect from and after July 1, 1961, and the plan or charter shall call for the changes in governmental structure and organization to go into effect not later than July 1, 1962.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 887 CHAPTER 697

AN ACT AUTHORIZING THE TOWN OF NEWPORT TO APPROPRIATE TO THE CARTERET COUNTY BOARD OF EDUCATION, NON-TAX REVENUES TO SUPPLEMENT THE SALARIES OF THE TEACHERS IN THE NEWPORT SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Newport in Carteret County is hereby authorized and empowered, in its discretion, to appropriate to the Carteret County Board of Education, surplus nontax paid revenues for the purpose of supplementing the salaries of the teachers in the Newport School for the fiscal year beginning July 1, 1959, and thereafter.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 889 **CHAPTER 698**

AN ACT TO AMEND CHAPTER 202, PRIVATE LAWS OF 1925, TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF MOREHEAD CITY IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 202, Private Laws of 1925, is hereby amended by adding at the end thereof the following:

"The present existing boundaries of the Town of Morehead City are hereby extended to include the following described contiguous area, which said area shall hereafter be constituted as within the corporate limits of the Town of Morehead City:

"Beginning at a point in the Sabiston East line, which beginning point is 1,308.17 feet northwardly from the center line track of the Atlantic and North Carolina Railroad Company; runs thence North 84 degrees 15 minutes West approximately 1,156 feet to Waldron Bailey's line; thence North 2 degrees 39 minutes East with the Whealton and Bailey lines, approximately 2,250 feet to the center of Calico Creek; thence eastwardly with the center of Calico Creek approximately 1,600 feet to the eastern boundary of the Sabiston line; thence South 2 degrees 39 minutes West with the said Sabiston line approximately 1,300 feet to the beginning point;

"Also, two certain lots having a depth of 92.6 feet, a North line of 129 feet, and a South line of 139 feet, said lots being located 60 feet southerly of the southeast corner from the tract of land above described, but excluding from the above description that certain tract of land sold to R. R. Barbour, as recorded in Book 161, page 200, records of Carteret County.

"The foregoing description being intended to encompass all of the property contained in deed dated 25 January, 1946, from W. E. Sabiston, et als to Viola J. Nelson, and deed of Viola J. Nelson to Cecil Nelson, as recorded in Book 121, page 314 (excluding the Barbour conveyance) and deed of Cecil L. Nelson, et ux to Town of Morehead City, Box 169, Page 126, Carteret County Registry."

Sec. 2. From and after the ratification of this Act, the area described in Section 1 shall become subject in all respects to all municipal ordinances of the Town of Morehead City.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 891 **CHAPTER 699**

AN ACT TO INCORPORATE THE TOWN OF BAYSHORE PARK, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Section 1. Incorporation and Corporate Powers. The inhabitants of the Town of Bayshore Park in Carteret County, North Carolina, within the

boundaries as established in Section 3 of this charter or as hereafter established in the manner provided by law, shall be a body politic and corporate by name the Town of Bayshore Park, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this charter, the Town of Bayshore Park shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the power conferred upon the Town of Bayshore Park by this Section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenue thereof, or of both, including the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of commissioners shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Bayshore Park shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners.

Sec. 3. Corporate Limits. The corporate limits of the town shall be as follows:

BEGINNING at W. L. Taylor's northwest corner, in the South right of way line of U. S. Highway No. 24, and running thence along W. L. Taylor's West line (a wire fence) South 11 degrees 00 minutes East, 471 feet to a stake in the center of a branch; thence along said branch North 72 degrees 45 minutes West, 74 feet to a stake; thence continuing along said branch South 47 degrees 20 minutes West, 58.5 feet to a stake; thence continuing along said branch South 70 degrees 00 minutes West, 100.1 feet to a stake; thence continuing along said branch North 88 degrees 35 minutes West, 31 feet to a cedar post in the center of said branch; thence along the West line of the Eula Dennis property South 1 degree 30 minutes East, 1,373 feet to a lightwood post at the corner of a fence; thence continuing along the Eula Dennis line South 88 degrees 00 minutes East, 436 feet to a stake at the Old Gate Site; thence continuing along Eula Dennis' West line (a wire fence) South 8 degrees 10 minutes West, 690 feet to a cedar post in the fence line; thence continuing along Eula Dennis' West line (a wire fence) South 19 degrees 30 minutes West, 1228 feet to a large iron stake on a ditch bank; thence continuing down the center of a ditch (Eula Dennis' southwest line) South 42 degrees 15 minutes East, 431 feet to an iron axle on the edge of Bogue Sound, thence along the various courses of Bogue Sound a generally westerly direction to the southeast corner of the E. A. Simpkins (formerly J. A. Weeks) property at a stake; thence along the E. A. Simpkins East line North 15 degrees 40 minutes East, 3,443.7 feet to a nail or coca-cola cap in the center of U. S. Highway No. 24; thence along the center of U. S. Highway No. 24, North 79 degrees 15 minutes East, 1,224.2 feet to a nail in the center of said highway; thence South 11 degrees 00 minutes East to the place of beginning.

BOARD OF COMMISSIONERS

Sec. 4. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this charter all powers of the town shall be vested in a board of commissioners of three members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and the board of commissioners shall be for two years and until their successors are elected and qualified, and shall begin at noon on the day next following their election. If a vacancy occurs in the office of the mayor or commissioner, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of commissioners. The mayor and members of the board of commissioners shall be qualified electors of the town. A member of the board of commissioners or the mayor ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office, shall immediately forfeit his office.

Provided, however, that Randolph Fravel is hereby appointed and named as mayor and P. M. Russell, L. D. Campbell and Mrs. W. L. Blakeney are hereby appointed and named as commissioners to serve as the first mayor and Board of Commissioners of the Town of Bayshore Park. Their terms of office shall begin on June 10, 1959 and shall terminate at the time their successors are elected and qualified as provided for in this charter.

Sec. 5. Meetings of the Board of Commissioners. At noon on the day following a regular municipal election the board of commissioners shall meet and the newly elected members shall assume the duties of office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution. Special meetings may be called upon the written request of the mayor or two members of the board of commissioners. All meetings of the board of commissioners shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

Sec. 6. Mayor and Mayor Pro Tem. At its first meeting following a regular municipal election the board of commissioners shall choose one of its members as mayor pro tem. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Sec. 7. Board of Commissioners Rules. The board of commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the board of commissioners in any such case shall be subject to review by the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of its proceedings.

Sec. 8. Quorum. A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Sec. 9. Introduction and Passage of Ordinances and Resolutions. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and

nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners. Except as otherwise prescribed in this charter or by general law, all ordinances and resolutions passed by the board of commissioners shall take effect at the time indicated therein. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure.

Sec. 10. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage, a notice setting forth in brief the substance of each ordinance shall be published or posted at least once in such manner as the board of commissioners may prescribe.

NOMINATIONS AND ELECTIONS

Sec. 11. Municipal Elections. The regular election for the choice of mayor and members of the board of commissioners shall be held on Tuesday following the first Monday in May in the year 1961 and biennially thereafter. The board of commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 12. Regulations of Elections. All elections shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein.

Sec. 13. Nominations. Any qualified elector of the Town of Bayshore Park may file as a candidate for mayor or commissioner by formal notice of candidacy in substantially the following form:

"I, ..., hereby give notice that I am a candidate for election to the office of .....,
to be voted on at the election to be held on .....,
and I hereby request that my name be printed on the official ballot for such office, I also certify that I am a resident and qualified elector of the Town of Bayshore Park, residing at ..... in said town.

.....
Candidate

.....
Date

Witness:

....."

The notice of candidacy prescribed above must be filed with the town clerk not earlier than sixty (60) days nor later than ten (10) days before the date of election. The town clerk shall preserve all such notices until expiration of the term of the office for which the candidate filed. Any candidate may withdraw his notice of candidacy not later than the last day for filing by submitting written notice of withdrawal with the town clerk.

Sec. 14. Election of Mayor and Board of Commissioners. All members of the board of commissioners shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for three candidates for the board of commissioners. The three candidates who receive the largest number of votes for commissioner shall be declared elected. The candidate who receives the largest number of votes for mayor shall be declared elected.

ADMINISTRATIVE SERVICE

Sec. 15. Appointment of Officers and Employees. The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment: Provided, that the board of commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 16. Custody of Town Money. All moneys received by the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the board of commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by the mayor and countersigned by the treasurer or other official designated by the board of commissioners.

Sec. 17. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Sec. 18. Purchase Procedure. Before making any purchase for supplies, materials, equipment, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of commissioners may prescribe by ordinance. All expenditures for supplies, materials, equipment, involving more than two thousand dollars, ($2,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as is required by law in North Carolina.

Sec. 19. Contracts for Town Improvements. Any town improvement costing more than thirty-five hundred dollars ($3500.00) shall be executed by contract except where such improvement is authorized by the board of commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than thirty-five hundred dollars ($3500.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by law in North Carolina, provided the board of

commissioners shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of commissioners.

Sec. 20. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be available to any interested citizen and may be published if so ordered by the board of commissioners.

MISCELLANEOUS PROVISIONS

Sec. 21. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners.

Sec. 22. Personal Interest. Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services, except on behalf of the town as an officer or employee. Any wilful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of commissioners.

Sec. 23. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Bayshore Park and will faithfully discharge the duties of the office of ....."

Sec. 24. Saving Clause. If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supersede all laws and ordinances not consistent herewith, insofar as the Town of Bayshore Park is affected thereby.

Sec. 25. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 896 CHAPTER 700

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY TO FIX FEES TO BE CHARGED BY COUNTY OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of subsection 12a. of G. S. 153-9, as the same appears in the 1957 Supplement to the General Statutes, is amended by inserting after the comma following the word "Johnston" and before the word "Lenoir", in line 3 of said paragraph, the word "Lee".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 906 CHAPTER 701

AN ACT RELATING TO THE ESTABLISHMENT OF WARDS AND THE ELECTION OF A MAYOR AND BOARD OF ALDERMEN IN THE TOWN OF RANDLEMAN, RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. For the municipal election of 1961, and for each municipal election thereafter, the Town of Randleman shall be divided into four wards, the geographical boundaries of which shall be as follows:

(a) Ward No. 1 shall consist of that portion of the Town of Randleman lying to the West of the center line of Main Street and to the South of the center line of West Academy Street;

(b) Ward No. 2 shall consist of that portion of the Town of Randleman lying to the East of the center line of Main Street and to the South of the center line of East Naomi Street as extended by Fox Street and River Drive in an eastwardly direction to the town limits;

(c) Ward No. 3 shall consist of that portion of the Town of Randleman lying to the West of the center line of Main Street and to the North of the center line of West Academy Street;

(d) Ward No. 4 shall consist of that portion of the Town of Randleman lying to the East of the center line of Main Street and to the North of the center line of East Naomi Street as extended by Fox Street and River Drive in an eastwardly direction to the town limits.

Sec. 2. In the municipal election of 1961, and at each municipal election thereafter, a mayor and one alderman shall be elected from the Town of Randleman at large for a term of two years.

Sec. 3. In the municipal election of 1961, and every four years thereafter, one alderman shall be elected from each of Wards Nos. 2 and 3 for a term of four years.

Sec. 4. In the municipal election of 1961, one alderman shall be elected from each of Wards No. 1 and No. 4 for a term of two years. In the

municipal election of 1963, and every four years thereafter, aldermen from Wards No. 1 and No. 4 shall be elected for terms of four years.

Sec. 5. In the municipal election of 1961, and in all municipal elections thereafter, candidates for the offices of mayor and aldermen shall pay to the town clerk the following filing fees:

(a) For the office of mayor $20.00

(b) For the office of aldermen 10.00

Sec. 6. This Act shall apply only to the Town of Randleman, Randolph County.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 942 CHAPTER 702

AN ACT APPOINTING MEMBERS OF THE WILSON CITY BOARD OF EDUCATION, PROVIDING FOR THE ELECTION OF THE MEMBERS OF SAID BOARD IN THE FUTURE, FIXING THEIR TERMS OF OFFICE AND COMPENSATION.

The General Assembly of North Carolina do enact:

Section 1. That the Wilson City Board of Education shall consist of seven members. The terms of office of the present members of said board of education shall expire upon the ratification of this Act. F. T. Green and Mrs. Charles King are hereby appointed members of said board of education to serve until their successors shall be elected in 1960, as provided for in this Act. Mrs. J. W. Benson and G. C. Vick are hereby appointed members of said board to serve until their successors shall be elected in 1962 as provided for in this Act. George H. Adams, R. E. Kirkland, Jr., and B. B. Plyler, Jr., are hereby appointed members of said board of education to serve until their successors shall be elected in 1964, as provided for in this Act.

Sec. 2. On the same day as the State-wide primary to be held in the year 1960, and biennially thereafter, the Wilson County Board of Elections shall conduct a nonpartisan election throughout the Wilson City Administrative School Unit for the election of members of the Wilson City Board of Education whose terms next expire. The successors to the members of said board appointed in Section 1 of this Act shall be elected for terms of six years each. In case of a vacancy caused by death, resignation, failure to qualify or by any other cause, the vacancy shall be filled by appointment of the remaining members of said board until the next regular nonpartisan election for members of said board of education.

Sec. 3. The members of said board of education appointed by this Act and their successors shall qualify by taking the oath of office on or before the second Monday in June next succeeding their election.

Sec. 4. From and after July 1, 1959, the Chairman of the Wilson City Board of Education shall receive as compensation for his services the sum of three hundred dollars ($300.00) per year, payable in equal monthly installments. From and after said date, each of the other members of said board of education shall receive as compensation for his services the sum of one hundred fifty dollars ($150.00) per year, payable in equal monthly installments.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. B. 943 CHAPTER 703

AN ACT FIXING THE COMPENSATION OF MEMBERS OF THE ELM CITY CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Elm City City Board of Education shall receive as compensation for his services the sum of one hundred fifty dollars ($150.00) per year, payable in equal monthly installments. Each of the other members of said City Board of Education shall receive as compensation for his services the sum of seventy-five dollars ($75.00) per year, payable in equal monthly installments.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

S. B. 162 CHAPTER 704

AN ACT TO PROVIDE FOR THE SYSTEMATIC REVALUATION OF PROPERTY FOR AD VALOREM TAX PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-278, as same appears in the 1958 Replacement Volume 2C, is hereby rewritten to read as follows:

"G. S. 105-278. Revaluation of Real Property. In the following years and in every eighth year thereafter, as of January first of said years, as set out herein by divisions of counties, all real property shall be listed and assessed for ad valorem tax purposes:

Division One—1961: Alamance, Edgecombe, Gates, Martin, Mitchell, Nash, Perquimans, Randolph, Stanly, and Warren.

Division Two—1962: Alexander, Anson, Clay, Craven, Duplin, Durham, and Granville.

Division Three—1963: Beaufort, Burke, Chatham, Davie, Graham, Hertford, Johnston, McDowell, Mecklenburg, Moore, Pender, Rockingham, Sampson, Scotland, and Watauga.

Division Four—1964: Avery, Camden, Cherokee, Cleveland, Cumberland, Guilford, Harnett, Haywood, Montgomery, Northampton, Wayne, and Wilkes.

Division Five—1965: Caldwell, Carteret, Columbus, Currituck, Davidson, Gaston, Greene, Hyde, Lee, Lenoir, Orange, Pamlico, Pitt, Richmond, Transylvania, and Washington.

Division Six—1966: Ashe, Buncombe, Chowan, Franklin, Henderson, Hoke, Jones, Madison, Pasquotank, Robeson, Rowan, and Swain.

Division Seven—1967: Alleghany, Bladen, Brunswick, Cabarrus, Catawba, Dare, Halifax, Macon, New Hanover, Polk, Stokes, Surry, Tyrrell, and Yadkin.

Division Eight—1968: Bertie, Caswell, Forsyth, Iredell, Jackson, Lincoln, Onslow, Person, Rutherford, Union, Vance, Wake, Wilson, and Yancey.

"Any county desiring to conduct a real property revaluation earlier than called for under the schedule provided in this Section may do so upon adoption by the board of county commissioners of a resolution so providing, a copy of such resolution to be sent forthwith to the State Board of Assessment. Once the initial revaluation date has been established for a given county, either under the schedule provided in this Section, or by action of the board of county commissioners as herein provided, that county shall continue to hold revaluations each eighth year thereafter unless, in accordance with the procedure herein provided, an earlier date for revaluation shall be set, in which event a new schedule of octennial revaluations shall thereby be established for such county. Revaluations held or to be held in any counties as of January 1, 1960 or 1961 are validated.

"Real property shall be appraised in such revaluation years by actual appraisal as provided in G. S. 105-295 and assessed in accordance with the provisions of G. S. 105-294."

Sec. 2. G. S. 105-279, as same appears in the 1958 Replacement Volume 2C, is hereby amended as follows:

(a) By rewriting the first two sentences to read as follows:

"In the year 1960, and in other than revaluation years, all property, real and personal, subject to taxation, shall be listed for ad valorem tax purposes. Real property not subject to reassessment in such years shall be listed at the value at which it was assessed at the last revaluation."

(b) By rewriting the fourth line of subdivision (3) to read as follows:

"a. Was not assessed at the last revaluation conducted in accordance with the provisions of G. S. 105-278."

Sec. 3. G. S. 105-287, as same appears in the 1958 Replacement Volume 2C, is hereby amended as follows:

(a) By changing the word "quadrennial" in lines 9 and 16 to the word "revaluation".

(b) By rewriting the first proviso to read as follows:

"Provided, that in any county making horizontal adjustments in real property appraisals as provided in G. S. 105-294, the commissioners may appoint fewer than three list takers and assessors per township:".

Sec. 4. G. S. 105-295, as same appears in the 1958 Replacement Volume 2C is hereby amended as follows:

(a) By changing the caption of said Section to read as follows:

"G. S. 105-295. Appraisal of Real Property; Land and Buildings."

(b) By inserting a new paragraph immediately following the caption and immediately preceding the present paragraph one of said Section to read as follows:

"In appraising real property for tax purposes as required by G. S. 105-278, G. S. 105-279, and G. S. 105-294, it shall be the duty of the county tax supervisor to see that every lot, parcel, tract, building, structure, and other improvement being appraised actually be visited and observed by a competent appraiser, either one appointed under the provisions of G. S. 105-287 or one employed under the provisions of G. S. 105-291. It shall also be the duty of the county tax supervisor to provide for the development and compilation of standard uniform schedules of values to be used in appraising real property in the county. Such schedules shall be prepared prior to each revaluation as required by G. S. 105-278, shall be in written or printed form, and shall be prepared in sufficient detail to enable appraisers to adhere to them in appraising the kinds of real property commonly found in the county. The schedules of values so developed shall be made available for public inspection upon request."

(c) By adding a new paragraph at the end of said Section to read as follows:

"For each tract, parcel, lot or group of contiguous lots a separate property record shall be prepared. Said record shall be designed to show the information required for compliance with the provisions of G. S. 105-306 dealing with real property as well as that required for compliance with the provisions of this Section. The intent and purpose of this Section is to require that individual property records be maintained in sufficient detail to enable property owners to ascertain the method and standards of value by which properties are valued."

Sec. 5. G. S. 153-9 is hereby amended by adding a new subsection at the end thereof to be designated as subsection 49 to read as follows:

"49. Special Tax Levy; Revaluation Expense. The boards of county commissioners of the several counties are hereby authorized to levy such special property tax at such rate as may be necessary for the special purpose of meeting the expense of the revaluation of real property as required by G. S. 105-278; such special property tax shall be in addition to any tax allowed by law for such purpose and shall be in addition to the rate allowed by the Constitution for general expenses."

Sec. 6. Article 8 of Chapter 153 of the General Statutes is hereby amended by inserting a new Section therein to be appropriately numbered to read as follows:

"The board of county commissioners, to meet the costs of revaluation of real property as required by G. S. 105-278, shall annually levy a tax on

taxable property in the county the proceeds of which, when added to other available funds, is calculated to produce, by accumulation during the period between required revaluations, sufficient funds to pay for revaluation of real property by actual visitation and appraisal as required by G. S. 105-278 and G. S. 105-295. All funds raised and set aside for this purpose from such special levy or from other sources shall be placed in a sinking fund or otherwise earmarked and shall not be available or expended for any other purpose. Any unexpended balance remaining in said fund following a required revaluation shall be retained in said fund for use in financing the next periodic revaluation of real property by actual appraisal under the provisions of G. S. 105-278 and G. S. 105-295. The levy herein authorized is hereby declared to be for a necessary expense and for a special purpose."

Sec. 7. Notwithstanding any express repeal contained in this Act or any repeal implied from its terms and provisions, the existing laws of the State relating to ad valorem taxation shall be and continue in full force and effect with respect to all acts and transactions done or occurring prior to January 1, 1960, affected or which ought to be affected by their terms and provisions, and with respect to all liabilities, criminal as well as civil, incurred or which ought to have been incurred with respect to such acts and transactions done or occurring prior to January 1, 1960.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. Sections 5 and 6 of this Act shall be effective upon ratification, and the remainder of the Act shall be effective on and after January 1, 1960.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

S. B. 217 CHAPTER 705

AN ACT TO AMEND SECTION 90-131 AND 90-132 OF CHAPTER 90 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE LICENSING, REGULATION AND PRACTICE OF LICENSED DOCTORS OF OSTEOPATHY.

The General Assembly of North Carolina do enact:

Section 1. Section 90-131 of the General Statutes of North Carolina is hereby amended by rewriting the Section so the same shall hereafter read as follows:

"Sec. 90-131. Educational Requirements, Examination and Certification of Applicants. Any person, before engaging in the practice of osteopathy in this State, after the effective date of this Section, as rewritten, shall, upon the payment of a fee of twenty-five dollars ($25.00), make application for a certificate to practice osteopathy to the Board of Osteopathic Examination and Registration on a form prescribed by the board, giving, first, his name, age (which shall not be less than twenty-one years), and residence; second, evidence that such applicant is of good character and shall have, previous to the beginning of his course in osteopathy, obtained a

diploma from a high school, or academy, or its equivalent, and evidence of having completed not less than two years if he matriculated in an osteopathic college before October 1, 1952, and if thereafter three years preosteopathic education in an accredited college or university approved by the board; third, the date of his diploma, and evidence that such diploma was granted on personal attendance and completion of a course of not less than four academic years conforming to the minimum standards for osteopathic colleges established by the American Osteopathic Association. The board may require the applicant to file an affidavit as to any facts pertaining to his application for a license to practice osteopathy and shall, except as otherwise provided, give to applicants a written examination in the subjects of anatomy, physiology, biochemistry, toxicology, chemistry, osteopathic pathology, bacteriology, histology, diagnosis, hygiene, osteopathic obstetrics and gynecology, minor surgery, principles and practice of osteopathy, and such other like subjects as the board may require. An applicant passing said examination with a minimum grade in each subject of seventy per cent (70%) and a minimum general average of seventy-five per cent (75%) in all subjects and who otherwise meets the requirements of this Act shall be licensed to practice osteopathy as defined in Section 129 of this Article. The board is authorized to promulgate rules and regulations to carry out the provisions of this Article; and to employ qualified personnel including persons or organizations specially qualified in preparing, giving and grading examinations to assist or advise the board. The board may refuse to grant a certificate to any person convicted of a felony, or a crime involving moral turpitude or who engages in gross unprofessional or immoral conduct, or who is addicted to any vice to such a degree as to render him unfit to practice osteopathy, and may, after due notice and hearing, revoke such certificate for like cause."

Sec. 2. Section 90-132 of the General Statutes of North Carolina is hereby amended by rewriting the Section so the same shall hereafter read as follows:

"Sec. 90-132. When Examination Dispensed with; Temporary Permit; Annual Registration. The board may, in its discretion, dispense with an examination in the case of an osteopathic physician duly authorized to practice osteopathy in any other state or territory, or the District of Columbia, who presents a certificate of license issued after an examination by the legally constituted board of such state, territory, or District of Columbia, according only to applicants of equal grade with those required in this State or who presents a certificate issued by the National Board of Examiners for Osteopathic Physicians and Surgeons, and who makes application on a form to be prescribed by the board, accompanied by a fee of seventy-five dollars ($75.00).

"The secretary of the board may grant a temporary permit until a regular meeting of the board, or to such time as the board can conveniently meet, to one whom he considers eligible to practice in the State, and who may desire to commence the practice immediately. Such permit shall only be valid until legal action of the board can be taken. In all the above cases the fee shall be the same as charged to applicants for examination.

"Every person heretofore or hereafter licensed to practice osteopathy by said Board of Osteopathic Examination and Registration shall, during the month of January of each year, register with the secretary of said board his name and office and residence address and such other information as the board may deem necessary and shall pay a registration fee fixed by the board not in excess of five dollars ($5.00). An annual registration receipt shall be issued and mailed to each license holder, upon payment of the registration fee, which shall be placed in a conspicuous position in the licensee's office, if he practices in this State. In the event an osteopath fails to register as herein provided he shall pay an additional amount of ten dollars ($10.00) to the board. Should an osteopath fail to register and pay the fees imposed, and should such failure continue for a period of thirty days, the license of such osteopath may be suspended by the board, after notice and hearing at the next regular meeting of the board. Upon payment of all fees and penalties which may be due, the license of such osteopath shall be reinstated."

Sec. 3. No person who was authorized to practice osteopathy in this State on the effective date of this Act shall be compelled to take and pass a new examination by reason of the rewriting of G. S. 90-131, as contained in this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

S. B. 302 CHAPTER 706

AN ACT AMENDING CERTAIN SECTIONS OF ARTICLE 2, CHAPTER 106 OF THE GENERAL STATUTES, RELATING TO COMMERCIAL FERTILIZERS.

The General Assembly of North Carolina do enact:

Section 1. That subsection (f) of G. S. 106-50.3 be and the same is hereby rewritten to read as follows:

"(f) The term 'mixed fertilizers' means products resulting from the combination, mixture, or simultaneous application of two or more fertilizer materials for use in or claimed to have value in promoting plant growth by a manufacturer or contractor."

Sec. 2. That G. S. 106-50.3 be and the same is hereby amended by adding at the end thereof a new subsection to be designated as subsection (r) and to read as follows:

"(r) The term 'contractor' means any person, firm, corporation, wholesaler, retailer, distributor or any other person who for hire or reward applies commercial fertilizer to the soil of a consumer; provided that this shall not apply to any consumer applying commercial fertilizer to only the land that he owns or to which he otherwise holds rights, for the production of his own crops."

Sec. 3. That G. S. 106-50.4 be and the same is hereby amended by rewriting the title to read as follows: "Registration of Brands and Licensing of Manufacturers and Contractors".

Sec. 4. That G. S. 106-50.4 be and the same is hereby amended by rewriting numbered paragraph 4 of subsection (a) thereof to read as follows:

"(4) The guaranteed analysis showing the minimum percentage of plant food in the following order and form; provided that the Commissioner of Agriculture may vary this order and form for small packages of twenty-five (25) pounds and less."

Sec. 5. That G. S. 106-50.4 be and the same is hereby further amended by adding a new subsection at the end thereof to be designated as subsection (d) and to read as follows:

"(d) Any person, firm or corporation wishing to become a fertilizer manufacturer or contractor, as defined in this Article, shall before engaging in such business secure a license from the Commissioner of Agriculture. Such person, firm or corporation shall make application for such license on forms to be furnished by the commissioner submitting such information as to his proposed operation as the commissioner may prescribe. Such license shall be renewable annually on the first day of July. Such license may be revoked for a violation of any provision of this Article, or of any rule or regulation adopted by the Board of Agriculture."

Sec. 6. That G. S. 106-50.6 be and the same is hereby amended by striking out subsection (a), (b), (c) and (d) of said Section and substituting in lieu thereof the following:

"(a) For the purpose of defraying expenses on the inspection and of otherwise determining the value of commercial fertilizers in this State, there shall be paid to the Department of Agriculture a charge of twenty-five cents (25¢) per ton on all commercial fertilizers in packages of more than five pounds of such commercial fertilizer. On individual packages of five pounds or less there shall be paid in lieu of the tonnage fee an annual registration fee of twenty-five dollars ($25.00) for each brand offered for sale, sold, or distributed; provided that any per annum (fiscal) tonnage of any brand sold in excess of one hundred tons may be subject to the charge of twenty-five cents (25¢) per ton as provided herein. The commissioner, with the advice and consent of the Board of Agriculture is hereby empowered to adopt such regulations as will insure the enforcement of this law. Whenever any manufacturer of commercial fertilizer shall have paid the charges required by this Section his goods shall not be liable to further tax, whether by city, town, or county; provided, this shall not exempt the commercial fertilizers from an ad valorem tax."

Sec. 7. That G. S. 106-50.6 be and the same is hereby further amended by striking out all of the subsections thereof beginning with subsection (e) and substituting in lieu thereof the following:

"(b) Reporting System. Each manufacturer, importer, jobber, firm, corporation or person who distributes commercial fertilizers in this State shall make application to the Commissioner of Agriculture for a permit to report the tonnage of commercial fertilizer sold and shall pay to the

North Carolina Department of Agriculture an inspection fee of twenty-five cents (25¢) per ton. The Commissioner of Agriculture is authorized to require each such distributor to keep such records as may be necessary to indicate accurately the tonnage of commercial fertilizers sold in the State, and as are satisfactory to the Commissioner of Agriculture. Such records shall be available to the commissioner, or his duly authorized representative, at any and all reasonable hours for the purpose of making such examination as is necessary to verify the tonnage statement and the inspection fees paid. Each and every distributor shall report the tonnage sold monthly under oath and on forms furnished by the commissioner. Such reports shall be made and inspection fee shall be due and payable monthly on the tenth day of each month covering the tonnage and kind of commercial fertilizers sold during the past month. If the report is not filed and the inspection fee paid by the tenth day following the date due or if the report of tonnage be false, the commissioner may revoke the permit, and if the inspection fee be unpaid after the fifteen-day grace period, the amount shall bear a penalty of ten per cent (10%) which shall be added to the inspection fee due and shall constitute a debt and become the basis of judgment against the securities or bond which may be required. In order to guarantee faithful performance with the provisions of this paragraph each manufacturer, importer, jobber, firm, corporation or person shall, before being granted a permit to use the reporting system, deposit with the commissioner cash in the amount of one thousand dollars ($1,000.00) or securities acceptable to the commissioner of a value of at least one thousand dollars ($1,000.00) or shall post with the commissioner a surety bond in like amount, executed by some corporate surety company authorized to do business in North Carolina. The commissioner shall approve all such securities and bonds before acceptance."

Sec. 8. That G. S. 106-50.11 be and the same is hereby amended by changing the period appearing in line 6 of the first paragraph thereof after the word "registration" to a colon and inserting thereafter the following: "Provided, that the requirements of this Section shall not apply to mixed fertilizers in packages of twenty-five (25) pounds and less."

Sec. 9. That G. S. 106-50.14 be and the same is hereby amended by inserting after the word "sold" and before the word "within" in line 6 thereof the words "or offered for sale".

Sec. 10. That subsection (k) of G. S. 106-50.20 be and the same is hereby rewritten to read as follows:

"(k) Failure of any manufacturer, importer, jobber, agent, or dealer to have applied for and to have been issued a permit as required by G. S. 106-50.6 before selling, offering or exposing for sale or distributing commercial fertilizers in this State."

Sec. 11. That G. S. 106-50.20 be and the same is hereby further amended by adding at the end thereof a new subsection to be designated as subsection (l) and to read as follows:

"(l) Failure of any manufacturer or contractor to procure a license under the provisions of G. S. 106-50.4(d) before beginning operations within the State."

Sec. 12. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 13. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

S. B. 303 CHAPTER 707

AN ACT TO AMEND CERTAIN SECTIONS OF ARTICLE 26 OF CHAPTER 106 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE INSPECTION AND PURITY OF ICE CREAM AND OTHER FROZEN FOOD PRODUCTS, AND ALSO RELATING TO THE TESTING OF MILK AND OTHER DAIRY PRODUCTS.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 106-246, as the same appears in Volume 3A of the General Statutes, by rewriting the first sentence of said Section so that the same shall hereafter read as follows:

"For the protection of the health of the people of the State, all places where ice cream, milk shakes, milk sherbet, sherbet, water ices and other similar frozen or semi-frozen food products are made for sale, all creameries, butter and cheese factories, when in operation, shall be kept clean and in a sanitary condition."

Sec. 2. G. S. 106-248, as the same appears in Volume 3A of the General Statutes, is hereby rewritten so that said Section shall hereafter read as follows:

"Sec. 106-248. Purity of Products. All cream, ice cream, butter, cheese or other product produced in places named herein shall be pure, wholesome and not deleterious to health, and shall comply with the standards of purity, sanitation, and rules and regulations of the Board of Agriculture provided for in Section 106-253; and whole milk, sweet cream, ice cream mix, and other mixes shipped into this State from other states and used in the manufacture of frozen or semi-frozen dairy products processed or sold in this State shall meet the same requirements and be subject to the same regulations and shall carry a tag or label showing name of product, name and address of processor and date of pasteurization."

Sec. 3. G. S. 106-253, as the same appears in Volume 3A of the General Statutes, is hereby amended by inserting, after the word "frozen", in line nine of said Section, and before the word "dessert", in line ten of said Section, the following: "or semi-frozen".

Sec. 4. G. S. 106-254, as the same appears in Volume 3A of the General Statutes, is hereby rewritten so that said Section shall hereafter read as follows:

"Sec. 106-254. Inspection Fees; Wholesalers; Retailers and Cheese Factories. For the purpose of defraying the expenses incurred in the enforcement of this Article, the owner, proprietor or operator of each ice cream factory where ice cream, milk shakes, milk sherbet, sherbet, water ices and other similar frozen or semi-frozen food products are made or

stored, or any cheese factory or butter processing plant in this State that disposes of its products at wholesale to retail dealers for resale, shall pay to the Commissioner of Agriculture each year an inspection fee of twenty dollars ($20.00). Each maker of ice cream, milk shakes, milk sherbet, sherbet, water ices and/or other similar frozen or semi-frozen food products who disposes of his product at retail only, and cheese factories, shall pay to the Commissioner of Agriculture an inspection fee of five dollars ($5.00) each year. The inspection fee of five dollars ($5.00) shall not apply to conventional spindle-type milk shake mixers, but shall apply to milk shake dispensing and vending machines, which operate on a continuous or automatic basis."

Sec. 5. G. S. 106-267.1 is hereby rewritten so that said Section shall hereafter read as follows:

"Sec. 106-267.1. License Required; Fee; Term of License; Examination Required. Every person who shall test milk or cream in this State by, or sample milk for, the Babcock method or otherwise for the purpose of determining the percentage of butterfat or milk fat contained therein, where such milk or cream is bought and paid for on the basis of the amount of butterfat contained therein, shall first obtain a license from the Commissioner of Agriculture. Any person applying for such license or renewal of license shall make written and signed application on blanks to be furnished by the Commissioner of Agriculture. The granting of a license shall be conditioned upon the passing by the applicant of an examination, to be conducted by or under the direction of the Commissioner of Agriculture. All licenses so issued or renewed shall expire on December 31 of each year, unless sooner revoked, as provided in Section 106-267.3. A license fee of two dollars ($2.00) for each license so granted or renewed shall be paid to the Commissioner of Agriculture by the applicant before any license is granted."

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

S. B. 370 CHAPTER 708

AN ACT TO AMEND CHAPTER 14 OF THE PRIVATE LAWS OF 1927 AND CHAPTER 37 OF THE 1947 SESSION LAWS OF NORTH CAROLINA RELATING TO THE CHARTER OF THE GASTONIA CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 37 of the 1947 Session Laws of North Carolina, be and the same is hereby rewritten to read as follows:

"Section 1. That all the territory embraced within the present limits of the Gastonia City Administrative Unit, Gaston County, North Carolina, shall be and the same is hereby continued as a city administrative unit,

with the right as such to receive its proportion of the general school fund from Gaston County, the State of North Carolina, or from any other source."

Sec. 2. That Section 2 of Chapter 37 of the 1947 Session Laws of North Carolina, be and the same is hereby rewritten to read as follows:

"Sec. 2. That the management of the public schools in said city administrative unit shall be vested in a board of education consisting of seven members to be elected by the qualified voters in said unit in the manner and for the term hereinafter provided."

Sec. 3. That Section 3 of Chapter 14 of the Private Laws of 1927, as amended by Section 3 of Chapter 37 of the 1947 Session Laws of North Carolina, be and the same is hereby rewritten to read as follows:

"Sec. 3. That the Gastonia City Board of Education shall be composed of members who reside in each of the seven geographical subdivisions of the Gastonia City Administrative Unit as follows: That portion of the Gastonia City Administrative Unit bounded on the North and East by the present line of said city administrative unit; on the South by the center of the tracks of the Southern Railroad; on the West by the center of North Marietta Street and the extension of the center of North Marietta Street over the old Gastonia-Dallas Highway to the present line of said city administrative unit shall be known as SUBDIVISION NO. 1. That portion of the Gastonia City Administrative Unit bounded on the North by the present line of said city administrative unit; on the East by the Center of North Marietta Street and the extension of North Marietta Street over the old Gastonia-Dallas Highway to the present line of said city administrative unit; on the South by the center of the tracks of the Southern Railroad; on the West by the present line of said city administrative unit, shall be known as SUBDIVISION NO. 2. That portion of the Gastonia City Administrative Unit bounded on the North by the center of the tracks of the Southern Railroad; on the West and South by the present line of the city administrative unit; on the East by a line beginning in the center of South Vance Street in the center of the tracks of the Southern Railroad and running thence in a southerly direction with the center of South Vance Street to the intersection of West Seventh Avenue and South Vance Street; thence South 5 degrees West to the present limits of said city administrative unit, shall be known as SUBDIVISION NO. 3. That portion of the Gastonia City Administrative Unit bounded on the North by the center of the tracks of the Southern Railroad; on the East by a straight line beginning at the center of the intersection of South King Street and West Franklin Avenue and extending due North to the center of the tracks of the Southern Railroad and due South to the present limits of said city administrative unit; on the South by the present limits of said city administrative unit; on the West by a line beginning in the center of South Vance Street in the center of the tracks of the Southern Railroad and running thence in a southerly direction with the center of South Vance Street to the intersection of West Seventh Avenue and South Vance Street; thence South 5 degrees West to the present limits of said city administrative unit, shall be known as SUBDIVISION NO. 4. That portion

of the Gastonia City Administrative Unit bounded on the North by the center of the tracks of the Southern Railroad; on the East by the center of South York Street and extension of South York Street; on the South by the present line of said city administrative unit; on the West by a straight line beginning at the center of the intersection of South King Street and West Franklin Avenue and extending due North to the center of the tracks of the Southern Railroad and due South to the present limits of said city administrative unit, shall be known as SUBDIVISION NO. 5. That portion of said Gastonia City Administrative Unit bounded on the North by the center of the tracks of the Southern Railroad; on the East by the center of South Oakland Street and extension of South Oakland Street to the present limits of said city administrative unit; on the South by the present limits of said city administrative unit, and on the West by the center of South York Street and extension of South York Street, shall be known as SUBDIVISION NO. 6. That portion of said Gastonia City Administrative Unit bounded on the North by the center of the tracks of the Southern Railroad; on the East and South by the line of said city administrative unit; on the West by South Oakland Street and extension thereof, shall be known as SUBDIVISION NO. 7.

"That on the first Tuesday after the first Monday in March, 1961, an election shall be held in and for said Gastonia City Administrative Unit for the election of members of the Gastonia City Board of Education who reside in Subdivision No. 1 and Subdivision No. 3; that on the first Tuesday after the first Monday in March, 1963, an election shall be held in and for said Gastonia City Administrative Unit for the election of members of the Gastonia City Board of Education who reside in Subdivision No. 4 and Subdivision No. 7; that on the first Tuesday after the first Monday in March, 1965, an election shall be held in and for said Gastonia City Administrative Unit for the election of members of the Gastonia City Board of Education who reside in Subdivision No. 2, Subdivision No. 5 and Subdivision No. 6; and thereafter an election shall be held on the first Tuesday after the first Monday in March, biennially, to elect successors to those members whose terms are expiring. In the said elections, the candidate from each subdivision receiving the majority of votes cast shall be declared elected for a term of six (6) years and until his successor is elected and qualified."

Sec. 4. That Sections 4, 5, 6 and 8 of Chapter 14 of the Private Laws of 1927, as amended by Chapter 37 of the 1947 Session Laws of North Carolina, are hereby repealed, and the following substituted therefor; to be designated as Sec. 4:

"Sec. 4. That all elections held in the Gastonia City Administrative Unit shall be held under the following rules and regulations:

"A. POLLING PLACES. The Gastonia City Board of Education shall establish at least one polling place for each election, and may establish such additional polling places as the board may deem necessary.

"B. REGISTRARS AND JUDGES APPOINTED. The Gastonia City Board of Education shall select at least thirty days before any election one person as registrar and two persons as judges for each polling

place. Such persons shall be residents of the area encompassed by the Gastonia City Administrative Unit, able to read and write, be of good character, and, who, before entering upon the discharge of their duties, shall take the oath hereinafter prescribed.

"C. OATH OF REGISTRARS AND JUDGES OR ASSISTANT TO JUDGES AND REGISTRARS. Before entering upon the duties of his office, each registrar, judge, or any person assisting said registrar or judge in the election, shall take the following oath to be administered by the City Superintendent of Schools in the Gastonia City Administrative Unit or by the registrar to the two judges or to such person assisting him, and/or by one of the judges to the registrar or to such person assisting him, such oaths to be reduced to writing and signed by the person taking the same and indicating before whom such oath was sworn to, which shall be kept on file in the office of the City Superintendent of Schools: 'I do solemnly swear that I will administer the duties of my office without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition, and that I will not keep or make any memorandum of anything occurring within the voting booths, except I be called upon to testify in the judicial proceeding for a violation of the election laws of this school district; so help me God.'

"D. PERSONS ASSISTING REGISTRARS AND JUDGES. The Gastonia City Board of Education may at any time prior to an election appoint additional persons to assist the registrar and judges in the conduct of the election, which persons shall be of good character, residents of the area encompassed by the Gastonia City Administrative Unit, able to read and write, and who, before entering upon the discharge of such duties, shall take the oath as hereinbefore prescribed.

"E. COMPENSATION FOR REGISTRARS, JUDGES AND PERSONS ASSISTING THEM: EXPENSES OF ELECTION. The Gastonia City Board of Education shall fix the compensation for registrars, judges, and any person assisting them in the election, and said board shall pay other expenses incurred in such election.

"F. REGISTRATION OF VOTERS. The modern looseleaf and visible registration system shall constitute the method of registration to be used for qualified voters in the Gastonia City Administrative Unit, and the registration shall be made and kept upon such form or forms as shall be prescribed by the Gastonia City Board of Education, and shall contain all the information necessary to show qualification of the registered voter and such other information as the Gastonia City Board of Education may require, and shall be signed and sworn to by the registering voter, witnessed by the registrar or City Superintendent of Schools.

"G. REGISTRATION BOOKS FURNISHED EACH REGISTRAR AND NEW REGISTRATION. The Gastonia City Board of Education shall cause to be furnished each registrar registration books showing the registered voters. The Gastonia City Board of Education may, in its discretion, order a new registration of voters, provided, that a new registration cannot be ordered any more frequently than every ten years, except where

the original and duplicates of said registration may have been mutilated or destroyed. The City Superintendent of Schools shall have custody and be responsible for the safekeeping of all registration books and any required copies or duplicates of registration, except when the registration books are in use by the registrars, in which event the registrars shall be solely responsible for the safekeeping thereof. In the event any registration books, or any part thereof, are destroyed, mutilated or lost, then the City Superintendent of Schools may make out a new registration or a new set of registration books from the duplicate master files which are authorized, certifying on each registration card, which is duplicated as result of said mutilation, destruction, or loss, that it is a true copy of the mutilated, destroyed, or lost original.

"H. NOTICE OF NEW REGISTRATION. In the event a new registration is ordered by the Gastonia City Board of Education, the Gastonia City Board of Education shall give at least thirty days' notice thereof by publication for once a week for four consecutive weeks in a newspaper of general circulation published in the City of Gastonia, North Carolina, which newspaper shall be one qualified under the General Statutes of North Carolina to run legal publications, and also by posting such notice at the City Hall and at the door of the Gaston County Courthouse.

"I. REGISTRATION BOOKS REVISED. The Gastonia City Board of Education shall have the power to revise the registration books and require them to be purged of illegal or disqualified voters. When an order for revision is made by the Gastonia City Board of Education, it shall be directed to the City Superintendent of Schools to prepare from the registration books a list of names of registered voters, with their names and addresses as they appear on the registration books, who are, in the opinion of the City Superintendent of Schools, dead or disqualified by removal from said area encompassed by the Gastonia City Administrative Unit as a resident or otherwise, stating on said list the reason for such proposed removal. When such list is prepared, the City Superintendent of Schools shall thereupon cause to be mailed to each of the names on the list at his or her known address, or, if not known, then to such address as shown on the registration books, a notice requiring such person to appear at the office of the Gastonia City Board of Education before the City Superintendent of Schools on or before seven days from the date of said mailing, and show that they are legally entitled to vote in such school election, or in lieu of a personal appearance, such person may furnish such satisfactory evidence by mail, or otherwise, that he or she is qualified to vote in the city administrative school election. Upon failure of such person to make such personal appearance, or upon failure of such person to offer satisfactory evidence that he or she is qualified and entitled to vote in the school election, their names and cause for removal shall be reported to the Gastonia City Board of Education, who shall thereupon order their names stricken off the registration books. The City Superintendent of Schools shall keep a list of all names stricken off the registration books and causes for removal for a period of at least five years, after which such list may be destroyed; provided, however, in the event that any person,

whose name has been removed from the registration books by order of the Gastonia City Board of Education as having been disqualified to vote in the school election, should appear at his polling place on election day and give satisfactory evidence to the registrar and judges that he is qualified to vote in that election, then such person's name shall be placed back on the registration book, and he shall be allowed to vote in said election.

"J. WHO QUALIFIED TO REGISTER, VOTE, OR RUN AS A CANDIDATE. Any person who is twenty-one (21) years of age on the date of election, who is not an idiot or lunatic, who has not been convicted or has confessed a guilt in open court upon indictment for any crime punishable by confinement in the State or Federal penitentiary unless having been restored to citizenship, is able to read and write any Section of the North Carolina Constitution in the English language, and who has been a resident and citizen of North Carolina for one year, and resided in the area encompassed by the Gastonia City Administrative Unit for thirty days, shall be qualified to register and vote in all elections held in the Gastonia City Administrative Unit. In addition to these requirements, in order to be eligible to run as a candidate for the Gastonia City Board of Education, a person must have resided continuously for a period of thirty days immediately preceding such election in the geographical subdivision of the Gastonia City Administrative Unit from which he is a candidate for office.

"K. ABSENTEE BALLOTS. No vote by absentee ballot shall be permitted in connection with any school election.

"L. OATH UPON REGISTRATION. Any person registering as a voter for any school election shall take the following oath to be administered by the registrar or by the City Superintendent of Schools:

'I do solemnly swear (or affirm) that I will support the Constitution of the United States and of North Carolina; that I have been a resident and citizen of North Carolina for one year, and a resident of the area encompassed by the Gastonia City Administrative Unit for thirty days; that I am twenty-one (21) years of age or will be on or before the date of the next election; that I can read and write the Constitution of North Carolina in the English language; and that I have not been convicted, or have confessed my guilt, in open court upon the indictment of any crime, the punishment of which is imprisonment in the State or Federal penitentiary, or if so convicted, or made confession of such guilt, I have been restored to citizenship.'

"M. CONTINUOUS REGISTRATION. Any person qualified to register as a voter may do so at any time by appearing before the City Superintendent of Schools and taking the required oath hereinbefore prescribed, and the City Superintendent of Schools shall thereupon enter registration of such person in the registration books; except, however, that no person shall be allowed to register before the City Superintendent of Schools during any registration period hereinafter provided where the registration books are in the custody and hands of duly appointed registrars, in which event any person qualified to register shall do so before the registrar.

"N. REGISTRATION BY REGISTRARS. Each registrar shall, between the hours of eight o'clock A. M. and five o'clock P. M., on the second, third and fourth Saturdays immediately preceding the election keep open the registration books at such polling place or polling places as may be established by the Gastonia City Board of Education for the registration of any new voters in the area encompassed by the Gastonia City Administrative Unit and entitled to register, and whose names are not then registered for a school election; provided, however, such registrars may register such person at other times and places on and from the fourth Saturday preceding the election to and including five o'clock P. M. of the second Saturday immediately preceding the election. On the second Saturday immediately preceding the election, the registration books shall be closed as of five o'clock P. M. and thereafter no registration shall be made of any new voter by either the registrar or the City Superintendent of Schools prior to the election, except as hereinafter provided.

"O. REGISTRATION AFTER REGISTRATION BOOKS ARE CLOSED. No registration shall be allowed after five o'clock P. M. on the second Saturday preceding and prior to the election, but if any person shall give satisfactory evidence to the registrar that he has attained the age of twenty-one (21) years, or otherwise become qualified to register and vote since the registration books were closed to registration, he shall be allowed to register after five o'clock P. M. on the second Saturday preceding the election and prior to or on the election day and vote in said election.

"P. BOOKS OPEN FOR CHALLENGE. On the first Saturday immediately before the election, the registration books shall be kept open at the polling place or places in the administrative unit for the inspection of the electors and voters and any of such electors and voters shall be allowed to object to the name of any person appearing on said registration books.

"Q. PRACTICE AND CHALLENGES. When a person is challenged, the registrar shall enter upon his books on the registration of the name of the person objected to the word 'challenged,' and the registrar shall appoint a time and place on or before Monday immediately preceding the election day, when he, together with the judges and the registrar of the election for that city administrative unit, shall hear and decide the objection, giving personal notice to the voter so objected to, who shall have the opportunity of being present at said hearing; and if for any cause personal notice cannot be given, then, it shall be sufficient to leave a copy of such notice at his residence. If any person challenged shall be found not duly qualified, the registrar shall remove his name from the registration books, noting thereon the reason therefor. The registrar and the judges shall hear and determine the cause of challenge under the rules and regulations prescribed by the general law regulating elections for members of the North Carolina General Assembly.

"R. VACANCIES IN THE OFFICE OF REGISTRAR OR JUDGES ON ELECTION DAY OR WITHIN SEVEN DAYS PRIOR THERETO. If any vacancy shall occur on the day of election in any office of registrar, or in any office of judges, or of persons appointed as assistants to the

registrar or judges, or within seven days immediately preceding the election, such vacancy shall be filled by appointment of the City Superintendent of Schools; vacancies occurring at any other time shall be filled by the Gastonia City Board of Education.

"S. WHERE TO VOTE. All registered and qualified voters shall be required to vote at the polling place or polling places established by the Gastonia City Board of Education.

"T. WHEN POLLS OPEN AND CLOSE. The polls shall be open on the day of election from seven o'clock A. M. until seven o'clock P. M., eastern standard time, and no longer; each person whose name may be registered as hereinbefore provided shall be entitled to vote; provided, however, that any person who is in bounds of a polling place as of seven o'clock P. M. on the date of election and has not voted shall be allowed to vote.

"U. REGISTRATION BOOKS, WHERE DEPOSITED. Immediately after any election, the registrars shall deposit the registration books with the City Superintendent of Schools.

"V. BALLOTS COUNTED. When the election shall be finished, the registrar and judges of the election shall immediately thereafter open the boxes and count the ballots cast at their polling place, reading aloud the names of the persons who shall appear on each ballot; and the counting of votes shall be continued without adjournment until completed and the result thereof declared. When completed, the result shall be reduced to writing and certified to over the signatures of the registrar and judges of the election. The registrar and judges may designate citizens and qualified voters of the city to aid them in counting the ballots, which persons so designated, where possible, be of different favor to different candidates running against each other for the same office. If any ballot shall contain the names of more persons than the voter has a right to vote for, or shall be defaced, have a device or ornament thereon, or be mutilated, such ballots shall not be numbered in the counting.

"W. BOARD OF CANVASSES. The Gastonia City Board of Education shall appoint one registrar and two judges, serving in said election, to be members of the board of canvasses, of which board the City Superintendent of Schools shall be a member and chairman; however, the City Superintendent of Schools shall vote only in case of a tie. The board of canvasses shall declare the results of the election and shall so certify said results over their signature to the Gastonia City Board of Education, and the results thereon shall be incorporated into the minutes of said board of education. The board of canvasses shall meet immediately following the election, and not later than eight-thirty o'clock A. M. on the day following the election and shall hold said meeting for the purpose of canvassing said votes, and determining any matters that may be present as the result of said election, which meeting shall be open to the general public.

"X. FILING AS A CANDIDATE. Any person qualified to run as a candidate for the Gastonia City Board of Education shall file as a candidate for such office by five o'clock P. M. of the third Monday immediately preceding the date of the election and with said filing shall pay a fee of

five dollars ($5.00). Any candidate for office shall file such notice with the City Superintendent of Schools and pay the five dollars ($5.00) filing fee with such notice, which said notice shall be substantially in the following form:

'I, ... do hereby give notice that I reside at ....., that I am a candidate for
(Street address)
election to the Gastonia City Board of Education, to be voted upon in an election to be held on Tuesday, March ....., 19....., and I hereby request that my name be printed upon the official ballot as a candidate for the election to such office; and I hereby agree to be bound and to abide by the official results of said election.

.....
(Signature of candidate)

Signed before me and filed, this ..... day of ....., 19.....

.....
(Superintendent of the Gastonia City Administrative Unit, or other official of the Gastonia City Board of Education.)'

"Y. RESULT OF ELECTION. The candidate receiving the highest vote from each subdivision shall be elected to that office. The board of canvasses shall at their meeting and in the presence of such electors as choose to attend, open, canvass and judicially determine the result, making such counts or recounts as it determines, and shall make abstracts, stating the number of legal ballots cast for each office, the name of each person voted for, and the number of votes given to each person for each different office, and shall certify the same over their signatures to the Gastonia City Board of Education, which shall be recorded in the minutes of said board of education. The board of canvasses shall have power and authority to pass upon judicially all the votes relative to the election and judicially determine and declare the results of the same, and shall have power and authority to send for papers and persons and examine the latter upon oath.

"Z. NOTICE OF ELECTION. The Gastonia City Board of Education shall cause to be published a notice of the election once a week for four successive weeks preceding the date of election in a newspaper in general circulation in the City of Gastonia and by posting a like notice at the City Hall and at the door of the Gaston County Courthouse, which notice shall set forth and contain the date and hours of the election, the proposition to be voted on, or the officers to be elected, the names and addresses of the registrar and judges, the polling places, the dates and places the registration books will be open, when candidates must file notice, and the challenge date.

"AA. NOTICE OF SPECIAL ELECTIONS. No special elections shall be held for any purpose in the administrative unit unless notice as above provided is given.

"BB. BALLOTS: PRINTING, DELIVERY, ACCOUNTING FOR, ETC. The City Superintendent of Schools shall cause to be printed by at least six days prior to election the official ballots for the election, which shall contain the names of all candidates for election to each office who have filed as hereinbefore provided, or the questions or propositions to be voted on which shall be printed on white paper with black ink and in a number at least equal to the registered voters of the administrative unit. Sample ballots of the official ballots shall be printed in black ink on colored paper and with the words 'sample ballot' printed conspicuously thereon, and shall be printed in such number as the City Superintendent of Schools determines necessary to distribute for instructing voters.

"The City Superintendent of Schools shall cause to be delivered to the registrar, at least one day before the election, ballots equal at least in number to the voters registered, which shall be packaged and each package shall have written or stamped thereon the number of ballots contained in each package, and the registrar shall not open or unpackage said ballots until the date of the election and except at the polling place, and the registrars shall be responsible to safeguard the same until the election. Upon delivery of the ballots, the City Superintendent of Schools shall cause to be obtained a receipt therefor from each registrar.

"Upon completion of the election each registrar shall return to the City Superintendent of Schools all used ballots, as well as all unused and spoiled ballots, and shall render a full accounting of all ballots over his signature, showing the number of ballots received, number used, number spoiled, etc. Upon the close of the counting of the ballots as herein provided, the registrar shall replace the said ballots in the official ballot box, lock the same, and deliver it to the City Superintendent of Schools, who shall retain in his custody said ballots for a period of sixty days following any election.

"CC. DISABILITY OR ABSENCE OF SUPERINTENDENT OF SCHOOLS. In the event of the absence, sickness, disability, or death of the City Superintendent of Schools, or by direction of the Gastonia City Board of Education, the attorney for the school board or other designated person or persons shall have the power or authority to act in his place and stead.

"In all other respects, all elections held in the administrative unit shall be conducted as prescribed for the election of members of the General Assembly of North Carolina, where such rules and laws are not in conflict with the above."

Sec. 5. That Section 7 of Chapter 14 of the Private Laws of 1927, as amended by Chapter 37 of the 1947 Session Laws of North Carolina, be and the same is hereby renumbered and rewritten to read as follows:

"Sec. 5. That if the candidate in any subdivision fails to receive a majority of the votes cast, the Gastonia City Board of Education then in office shall immediately call another election for the purpose of electing a member from such subdivision or division; that only the two candidates receiving the highest number of votes in the first election shall be eligible to run in the second election. Such election shall be held under the same

rules and regulations above prescribed, except that it shall be necessary to give notice of such election and registration only once a week for two weeks immediately preceding such election and the registration books shall be kept open only on the two Saturdays immediately preceding such election, and challenge day shall fall on the last Saturday immediately preceding such election."

Sec. 6. The Gastonia City Board of Education shall fill all vacancies occurring in their board by death, resignation, or otherwise, by appointment, until the next election, at which time the vacancy shall be filled for the remainder of the unexpired term.

Sec. 7. That Section 9 of Chapter 14 of the Private Laws of 1927, be and the same is hereby renumbered and rewritten to read as follows:

"Sec. 7. That within ten days after each biennial election of said board of education, or if it is necessary to hold a second election under the provisions of this Act, then after such second election said board of education shall hold a meeting and qualify and elect from among its number a chairman, a vice-chairman, and a treasurer. It shall be the duty of the chairman to preside at all meetings and generally to see that all orders of said board are carried out. In the absence of the chairman, the vice-chairman shall act in his stead. The treasurer shall receive and hold all school funds coming into his hands and disburse the same from time to time as may be directed by said board, and shall make monthly reports to said board of all receipts and disbursements by him during the preceding month. The said board shall require the said treasurer to give such bond as it may deem necessary for the sufficient protection of said school funds or other property entrusted in his care. The City Superintendent of Schools shall be ex officio secretary to the board of education and he shall record all proceedings of the board of education, issue all notices and orders that may be made by the board and otherwise be executive officer of the board."

Sec. 8. Section 10 of Chapter 14 of the Private Laws of 1927, is hereby renumbered and rewritten to read as follows:

"Sec. 8. That said board of education and its successors shall be, and it is hereby constituted, a body corporate by the name and style of The Gastonia City Board of Education. By that name it may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise, real and personal property, hold, exchange, or sell the same, and exercise such other rights and privileges as are incident to other corporations and may have a corporate seal."

Sec. 9. That Section 11 of Chapter 14 of the Private Laws of 1927, is hereby renumbered and rewritten to read as follows:

"Sec. 9. That said board of education shall establish, operate and maintain public schools in said city administrative unit, and shall appropriate and use the funds derived from special taxes or other sources in such manner as it may deem best."

Sec. 10. That Section 12 of Chapter 14 of the Private Laws of 1927, be and is hereby renumbered and rewritten to read as follows:

"Sec. 10. That said board of education shall have exclusive control of all public schools in the Gastonia City Administrative School Unit, free

from the supervision and control of the City Council of the City of Gastonia, or other constituted city authorities as may thereafter have charge of the city affairs, under and by virtue of any laws which may be hereafter adopted, and all property, both real and personal, and funds, now or hereafter belonging to the public schools of said city administrative unit, or used for school purposes, while said school shall be operated, shall be vested in and controlled by the said Gastonia City Board of Education and its successors, and the same shall be held by it in trust for said public schools; it shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools, and other employees necessary to the proper operation of such schools, and shall exercise such other powers as may be necessary for the successful control and operation of said schools."

Sec. 11. That Chapter 92 of the Private Laws of 1921, and Chapter 14 of the Private Laws of 1927, as amended by Chapter 583 of the Session Laws of 1953, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

S. B. 375 CHAPTER 709

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF WARSAW.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Warsaw are hereby extended to include within the corporate limits the following described territory:

"Beginning at a stake in the northern margin of the right-of-way of Memorial Drive at a point where the northern margin of the right-of-way of Memorial Drive is intersected by the eastern line of the present corporate limits of the Town of Warsaw, and runs thence South 61 degrees and 58 minutes East 136.1 feet to a stake in the eastern margin of the right-of-way of Oak Street; thence with the eastern margin of the right-of-way of Oak Street North 28 degrees and 02 minutes East 195.0 feet to a concrete monument in the eastern margin of Oak Street; thence at right angles with said Oak Street South 61 degrees and 58 minutes East 118.9 feet to a stake; thence South 24 degrees and 46 minutes West 195.3 feet to a concrete monument in the northern margin of the right-of-way of Memorial Drive; thence with the northern margin of the right-of-way of said Memorial Drive North 61 degrees and 58 minutes West 130.0 feet to a concrete monument; thence South 28 degrees and 02 minutes 1 foot to a stake; thence parallel with the northern margin of the right-of-way of said Memorial Drive North 61 degrees and 58 minutes West 136.0 feet to a stake in the eastern line of the present corporate limits of the Town of Warsaw; thence

with the eastern line of the present corporate limits of the Town of Warsaw, North 13 degrees and 54 minutes West 1 foot to a stake in the northern margin of the right-of-way of Memorial Drive, the point of beginning."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

S. B. 378 CHAPTER 710

AN ACT RELATING TO THE ISSUANCE BY THE CITY OF DURHAM OF REVENUE REFUNDING BONDS AND INVESTMENT OF CERTAIN PROCEEDS OF SUCH BONDS.

The General Assembly of North Carolina do enact:

Section 1. The City of Durham, a municipal corporation in Durham County, is hereby authorized to provide for the issuance of revenue refunding bonds of the city at any time or times for the purpose of refunding any revenue bonds then outstanding which shall have been issued under the provisions of the Revenue Bond Act of One Thousand Nine Hundred and Thirty-Eight (Sections 160-413 to 160-424, inclusive, of the General Statutes) and which shall have matured or which shall mature or be subject to redemption within three years after the date of such refunding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed desirable by the city, to provide for the issuance of its revenue refunding bonds for the combined purpose of refunding any bonds then outstanding which shall have been issued under the provisions of the Revenue Bond Act of One Thousand Nine Hundred and Thirty-Eight and to finance in whole or in part the reconstruction, improvement, betterment or extension of the undertaking for which the bonds to be refunded shall have been issued, or the acquisition, construction, reconstruction, improvement, betterment or extension of any undertaking combined or to be combined with the undertaking for which the bonds to be refunded shall have been issued.

The issuance of such bonds, the maturities and other details thereof, and the rights, duties and obligations of the city in respect of the same shall be governed by the provisions of the Revenue Bond Act of One Thousand Nine Hundred and Thirty-Eight insofar as the same may be applicable.

Any proceeds of any revenue refunding bonds issued under the provisions of this Act not required for a period of not less than ninety days for the purposes for which such bonds are issued may, with the prior approval of the Local Government Commission, be invested by the city, if the resolution authorizing the issuance of such bonds shall so provide, in

the securities listed in Section 159-49.1 of the General Statutes; provided, that the maturities of such securities shall conform to the date or dates the city will need the moneys so invested.

Sec. 2. The powers granted by this Act are in addition to and not in substitution for any other powers heretofore or hereafter granted to said city.

Sec. 3. All other general, special or local laws or parts thereof inconsistent herewith are hereby declared to be inapplicable to the provisions of this Act.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

S. B. 438 CHAPTER 711

AN ACT AUTHORIZING THE APPOINTMENT OF A JURY COMMISSIONER FOR BEAUFORT COUNTY, TO REGULATE THE PREPARATION OF JURY ROLLS AND JURY SCROLLS, AND TO REGULATE THE DRAWING OF JURY AND GRAND JURY PANELS IN THE SUPERIOR COURT OF BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Resident Judge of the Second Judicial District of the Superior Court of North Carolina is authorized and empowered to appoint some competent and discreet person as Jury Commissioner of Beaufort County, said position to be deemed a commission for a special purpose and not a public office. Said commissioner shall perform the duties hereinafter designated until removed from said position by said judge or until he resigns. Any vacancy in said position may likewise be filled by said Resident Judge of the Second Judicial District of the Superior Court of North Carolina. Said judge, by appropriate order, shall, from time to time, fix the amount of reasonable compensation to be paid said jury commissioner for performing the duties of said position, which amount shall be paid to said jury commissioner from the general funds of Beaufort County by the treasurer or accountant of said county.

Sec. 2. Within a reasonable time after the ratification of this Act and within such period as is practicable, said jury commissioner, after thorough investigation, shall prepare and lay before said Resident Judge of the Second Judicial District a list of the residents of Beaufort County whom said commissioner affirmatively finds to possess those qualifications enumerated in G. S. 9-1, as prospective jurors in the Superior Court of Beaufort County for the period ending June 30, 1962. Not later than June 30th of each even year thereafter, said commissioner shall likewise prepare and lay before said judge a list of the residents of Beaufort County as prospective jurors in the Superior Courts of Beaufort County whom said commissioner affirmatively finds to possess those qualifications enumerated in G. S. 9-1. There shall be exempt from jury duty, and said commissioner shall not include in said lists, those persons designated by G. S. 9-19.

Sec. 3. Upon receipt of said list of prospective jurors, the resident judge of said district shall examine the same to ascertain if the laws of North Carolina have been complied with in the preparation of said list. If any irregularity is found in said list or in its preparation, said judge shall return the same to said commissioner with his reasons noted thereon and said commissioner shall thereupon correct said irregularities. When said judge affirmatively finds said list of prospective jurors to have been prepared in conformity with the laws of North Carolina, he shall approve the same and endorse thereon "Approved Jury Roll of the Superior Court of Beaufort County for the Period Ending June 30, 19....." and shall sign said approval and return said jury roll to the Jury Commissioner of Beaufort County.

Sec. 4. Said jury commissioner shall file said jury roll in the office of the Clerk of the Superior Court of Beaufort County. Said commissioner shall endeavor to keep said jury roll currently correct by noting opposite the appropriate name those persons who, since the preparation of said list, have died, or who have removed from Beaufort County, or who have otherwise become disqualified for jury duty.

Sec. 5. Said jury commissioner, for his own information in anticipating and preparing future jury lists, shall endeavor to keep in his files but not as a part of the approved jury roll, a current list of those persons becoming twenty-one years of age residing in Beaufort County, or adult persons moving into Beaufort County, and meeting the qualifications enumerated in G. S. 9-1. The list of prospective jurors, as distinguished from the approved jury roll, shall not be deemed a public record.

Sec. 6. Upon receipt of the approved jury roll from said judge, the jury commissioner shall prepare a scroll for each name appearing on said approved jury roll, listing on said scroll the name, age, sex and address of said juror. After the preparation of said scrolls, said jury commissioner, in the presence of the Clerk of the Superior Court, Register of Deeds, and Sheriff of Beaufort County, shall empty and destroy the contents of the jury boxes of Beaufort County and shall place in Jury Box No. 1 of said county the scrolls so prepared by him from the approved jury roll of said county for the then current period. The Clerk of the Superior Court of Beaufort County shall be the custodian of the jury boxes of said county.

Sec. 7. Not later than twenty (20) days before the convening of each week of the Superior Court of Beaufort County, the Resident Judge of the Second Judicial District of the Superior Court of North Carolina, after investigation by him concerning the jury needs for said court, shall advise the Clerk of the Superior Court of Beaufort County to draw a designated number of scrolls from Jury Box No. 1 as the jury panel for said week of court. Said clerk shall thereupon, in the presence of the sheriff and register of deeds of said county, cause a child under the age of ten (10) years to draw from Jury Box No. 1 the designated number of scrolls, and shall certify the list of names so drawn to the Sheriff of Beaufort County. The sheriff of said county shall cause the persons so certified to him to be summoned as jurors for the week of the Superior Court of Beau-

fort County for the week so designated. After the drawing of said scrolls from Jury Box No. 1 by said child, the scrolls so drawn shall be returned by said Clerk of the Superior Court to Jury Box No. 2. If at any time the scrolls in Jury Box No. 1 shall be exhausted, the drawing of needed scrolls shall continue from Jury Box No. 2 after said box has been well shaken.

Nothing contained in this Section shall prohibit any judge presiding over the Superior Court of Beaufort County at any term of said court from directing the drawing of any special panel or venire, or any additional regular or talis jurors, if he finds that such need exists.

In the event any judge of the Superior Court of North Carolina, while presiding over the courts of another county of the State, shall direct the drawing of a special venire from Beaufort County, such venire shall be drawn in the same manner as is herein provided for the drawing of a regular panel for Beaufort County.

If, at the time of the drawing of any panel or venire, regular or special, the Clerk of the Superior Court, or the register of deeds, or the sheriff of said county is ill or absent from said county, or for other reason unable to attend said drawing, his or her assistant or chief deputy shall attend and act in his or her absence.

Sec. 8. At the first term of criminal court in the Superior Court of Beaufort County following the ratification of this Act and after the placing of the scrolls in Jury Box No. 1 by said jury commissioner, as provided by Section 6 of this Act, the judge presiding at said term shall cause eighteen (18) names to be drawn, in the manner now provided by law, as a grand jury in the Superior Court of Beaufort County. The first nine (9) names so drawn shall serve as grand jurors until the first criminal term of said court next after the ensuing January 1, and until their successors are drawn and sworn. The other nine (9) names so drawn shall serve as grand jurors in said court until the first criminal term of said court next after the ensuing July 1, and until their successors are drawn and sworn. Thereafter, at the first term of said court for the trial of criminal cases after July 1st and January 1st of each year, the judge then presiding over said Superior Court of Beaufort County shall cause nine (9) names to be drawn from the jury panel for said term in the manner provided by law, and the persons so drawn shall be sworn and shall serve as grand jurors in the Superior Court of Beaufort County for the twelve (12) months following their drawing, and until their successors are drawn and sworn.

At each term of said court when new grand jurors are drawn, the presiding judge shall designate some member from said body as foreman of the grand jury and such designated person shall be sworn as foreman of the grand jury and shall serve in that capacity until a new foreman is designated and sworn as such. At any criminal term of said Superior Court of Beaufort County, when it appears to the presiding judge that any member of the grand jury has died, removed from the county, or otherwise become ineligible to serve on said grand jury since the last criminal term of said court, said presiding judge may cause another name to be drawn from the panel, in the manner provided by law, to fill the unexpired period

of such absent grand juror, and the person so drawn shall be sworn as a member of said grand jury for said unexpired period.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 492 CHAPTER 712

AN ACT TO AUTHORIZE COUNTIES TO LEVY A SPECIAL TAX TO DEFRAY EXPENSES OF MAPPING LANDS AND DISCOVERING UNLISTED LAND.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9 is amended by adding the following new paragraph, to be designated "7.1" and to read as follows:

"7-1. The board of county commissioners of any county is hereby authorized to levy annually on all taxable property within the county a special tax, and the General Assembly hereby gives special approval for the levy of such special tax, which tax shall not exceed five cents (5¢) on the one hundred-dollar ($100.00) valuation, for the special purpose of defraying the expenses incurred in the mapping of the lands of the county and the discovery of lands therein not listed for taxes, including the county's share of the expenses incurred pursuant to any agreement entered into between county and the State of North Carolina providing for the mapping of the lands of the county and the discovery of lands therein not listed for taxes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 507 CHAPTER 713

AN ACT TO REWRITE G. S. 160-452 RELATING TO THE ANNEXATION OF LAND BY MUNICIPALITIES ON PETITION BY ALL OWNERS OF REAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. Section 160-452 of the General Statutes of North Carolina is hereby rewritten to read as follows:

"Sec. 160-452. Annexation by Petition. (a) The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each such owner.

"(b) The petition shall be prepared in substantially the following form:

DATE:

To the ..... (name of governing board)
of the (City or Town) ..... of .....

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) ..... of .....

2. The area to be annexed is contiguous to the (City or Town) .... of ..... and the boundaries of such territory are as follows: .....

"(c) Upon receipt of the petition, the municipal governing board shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the result of his investigation. Upon receipt of the certification, the municipal governing board shall fix a date for a public hearing on the question of annexation, and shall cause notice of the public hearing to be published once in a newspaper having general circulation in the municipality at least ten days prior to the date of the public hearing; provided, if there be no such paper, the governing board shall have notices posted in three or more public places within the area to be annexed and three or more public places within the municipality.

"(d) At the public hearing all persons owning property in the area to be annexed who allege an error in the petition shall be given an opportunity to be heard, as well as residents of the municipality who question the necessity for annexation. The governing board shall then determine whether the petition meets the requirements of this Section. Upon a finding that the petition meets the requirements of this Section, the governing board shall have authority to pass an ordinance annexing the territory described in the petition. The governing board shall have authority to make the annexing ordinance effective immediately or on any specified date within six months from the date of passage of the ordinance.

"(e) From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. The newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the date of annexation. If the effective date of annexation falls between January 1 and June 30, the municipality shall, for purposes of levying taxes for the fiscal year beginning July 1 following the date of annexation, obtain from the county a record of property in the area being annexed which was listed for taxation as of said January 1. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then business in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

"(f) For purposes of this Act, an area shall be deemed 'contiguous' if, at the time the petition is submitted, such area either abuts directly on the municipal boundary or is separated from the municipal boundary by a

street or street right of way, a creek or river, or the right of way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina. In describing the area to be annexed in the annexation ordinance, the municipal governing board may include within the description any territory described in this subsection which separates the municipal boundary from the area petitioning for annexation."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 584

CHAPTER 714

AN ACT TO PROHIBIT WILLFUL ATTENDANCE OF PERSONS AS SPECTATORS AT A RACE OR SPEED COMPETITION BETWEEN MOTOR VEHICLES, PREARRANGED AND CONDUCTED ON A STREET OR HIGHWAY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-141.3 is hereby amended by adding at the end thereof a new subsection, to be numbered subsection (h), and to read as follows:

"(h) Attendance of any person, other than a law enforcement officer engaged in the performance of his duties, at a race or speed competition between motor vehicles, conducted on a street or highway, by any person with actual prior knowledge or reasonable grounds to believe that such race of speed competition was prearranged, is declared to be harmful to the public interest and is hereby prohibited. Any person violating the provisions of this subsection shall be guilty of a misdemeanor punishable by a fine not to exceed fifty dollars ($50.00) or by imprisonment not to exceed sixty (60) days, or both."

Sec. 2. Provided that this bill shall apply to the Counties of Camden, Currituck, and Pasquotank only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 587 **CHAPTER 715**

AN ACT TO AMEND G. S. 108-9 TO PROHIBIT THE PAYMENT OF WELFARE OR PUBLIC ASSISTANCE FUNDS FOR THE CARE OF OCCUPANTS OF NURSING HOMES OR HOMES FOR THE AGED OR INFIRM OWNED OR OPERATED BY MEMBERS OF PUBLIC WELFARE AND OTHER BOARDS OR THEIR RELATIVES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 108-9 is amended by inserting "(a)" before the word "No" in line one thereof and by adding a new subsection to read as follows:

"(b) In all cases where nursing homes or homes for the aged or infirm may be owned or operated in whole or in part by members of the State Board of Public Welfare, of any county board of public welfare, or of any county board of commissioners, or by an official of the State Department of Public Welfare or any county department of public welfare, or by any person related by blood (closer than the third degree of kinship as determined by Chapter 104 A of the General Statutes of North Carolina) to any such board member or official, or the spouse of such board member or official or relative, the payment of any public welfare or public assistance funds derived from any source, Federal, State, or local, for the care of any person in such facility, shall be prohibited."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after January 1, 1960.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 707 **CHAPTER 716**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CASTALIA, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Section 1. Incorporation and Corporate Powers. The inhabitants of the Town of Castalia, North Carolina, within the boundaries as established in Section 3 of this Charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the Town of Castalia, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this Charter, the Town of Castalia shall have and may exercise all municipal powers, functions, rights, privileges

and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Castalia by this Section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire any excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenue thereof, or of both, including the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) To organize and administer public libraries.

(6) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of commissioners shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Castalia shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners.

Sec. 3. Corporate Limits. The corporate limits of the town shall be as follows:

Beginning at a point in the center of the Louisburg Road 3,200 feet northwest from the intersection of Main and Peachtree Streets, thence southeast to a point in the center of the Spring Hope Road, which said point is 2,400 feet southwest of the intersection of Main and Peachtree Streets, thence southeast to a point in the center of the Nashville Road which said point is 3,200 feet southeast of the intersection of Main and Peachtree Streets, thence northwest to a point in the center of the Red

Road, which said point is 2,400 feet northeast of the intersection of Main and Peachtree Streets, thence northwest to the point of the beginning.

BOARD OF COMMISSIONERS

Sec. 4. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this Charter all powers of the town shall be vested in a board of commissioners of three members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and the board of commissioners shall be for two years and until their successors are elected and qualified, and shall begin at noon on the day next following their election. If a vacancy occurs in the office of mayor or commissioner, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of commissioners. Each member of the board of commissioners shall receive a salary the amount of which shall be prescribed by ordinance. Provided, however, that the present mayor and member of the board of commissioners shall continue to receive the same salary until the same is changed as herein outlined. No ordinance fixing or changing the salary of members of the board of commissioners shall become effective during the current term of office of the members of the board of commissioners enacting such ordinance. Members of the board of commissioners shall be qualified electors of the town. A member of the board of commissioners ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office, shall immediately forfeit his office.

Sec. 5. Meetings of the Board of Commissioners. At noon on the day following a regular municipal election the board of commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of commissioners. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be considered. All meetings of the board of commissioners and of committees thereof shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

Sec. 6. Mayor and Mayor Pro Tem. At its first meeting following a regular municipal election the board of commissioners shall choose one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this Charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized

and directed by vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Sec. 7. Board of Commissioners Rules. The board of commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the board of commissioners in any such case shall be subject to review by the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of its proceedings.

Sec. 8. Quorum. A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Sec. 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the board of commissioners only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners.

Sec. 10. Except as otherwise prescribed in this Charter, all other ordinances and resolutions passed by the board of commissioners shall take effect at the time indicated therein. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure.

Sec. 11. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage, a notice setting forth in brief the substance of each ordinance shall be published or posted at least once in such manner as the board of commissioners may prescribe.

NOMINATIONS AND ELECTIONS

Sec. 12. Municipal Elections. The regular election for the choice of mayor and members of the board of commissioners shall be held on Tuesday following the first Monday in May in odd-numbered years. The board of

commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 13. Regulations of Elections. All elections shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein.

Sec. 14. Nominations. Any qualified elector of the Town of Castalia may file as a candidate for mayor or commissioner by formal notice of candidacy in substantially the following form:

"I, ..., hereby give notice that I am a candidate for election to the office of ....., to be voted on at the election to be held on ....., and I hereby request that my name be printed on the official ballot for such office; I also certify that I am a resident and qualified elector of the Town of Castalia, residing at ..... in said town.

..... (Candidate)

..... (Date)

Witness:

.....".

The notice of candidacy prescribed above must be filed with the town clerk not earlier than sixty (60) days nor later than twenty (20) days before the date of election. The town clerk shall preserve all such notices until expiration of the term of the office for which the candidate filed. Any candidate may withdraw his notices of candidacy not later than the last day for filing by submitting written notice of withdrawal with the town clerk. At the time of filing notice of candidacy, each candidate so filing shall pay to the town clerk a filing fee of ten dollars ($10.00) if filing for the office of mayor and a fee of five dollars ($5.00) if filing for the office of commissioner. These fees shall be used to defray the costs of printing ballots and other election costs and should any candidate withdraw as provided for in this Section, his filing fee shall be forfeited.

Sec. 15. Ballots. The full names of candidates who have filed for mayor or commissioner in accordance with the provisions of this Charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order, it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Sec. 16. Election of Mayor and Board of Commissioners. All members of the board of commissioners shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for three candidates for the board of commissioners. The three candidates who receive the largest number of votes for commissioner shall be declared elected.

ADMINISTRATIVE SERVICE

Sec. 17. Appointment of Officers and Employees. The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment: Provided, that the board of commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 18. Town Clerk. The board of commissioners shall choose a town clerk. The town clerk shall keep the records of the board of commissioners and perform such other duties as may be required by law or the board of commissioners.

Sec. 19. Duties of Town Attorney. The attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least three years. He shall be the chief legal adviser of and attorney for the town and all departments and officers thereof in matters relating to their official powers and duties. It shall be his duty to perform all services incident to the department of law; to attend all meetings of the board of commissioners; to give advice in writing, when so requested, to the board of commissioners or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party; to prepare all contracts, bonds and other instruments in writing in which the town is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the board of commissioners may require. In addition to the duties imposed upon the town attorney by this Charter or required of him by ordinance or resolution of the board of commissioners he shall perform any duties imposed upon the chief legal officers of municipalities by law.

Sec. 20. Duties of Town Accountant. The town accountant shall prepare the budget in accordance with the Municipal Fiscal Control Act of North Carolina relating to the preparation of municipal budgets. He shall have authority and shall be required: To maintain accounting control over the finances of the town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the town, and such subsidiary accounts as may be required by ordinance or by the board of commissioners for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the town government; to examine and approve all contracts, orders and other documents by which the town incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the town government and

to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expenditures of the town government to the mayor and board of commissioners and to take monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments to the mayor, the board of commissioners, and the head of the department; to inspect and audit any accounts or records of financial transactions which may be maintained by any department or agency of the town government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the town government as the board of commissioners may require by ordinance.

Sec. 21. Duties of Town Tax Collector. Tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this Charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository all money belonging to the town.

Sec. 22. Duties of Town Treasurer. The treasurer, if any, shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this Charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration, or exchange.

Sec. 23. Custody of Town Money. All moneys received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the board of commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by the mayor and countersigned by the town clerk.

Sec. 24. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Sec. 25. Purchase Procedure. Before making any purchase for supplies, materials, equipment, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of commissioners may prescribe by ordinance. All expenditures for supplies, materials, equipment, involving more than two thousand dollars ($2,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as is required by law in North Carolina.

Sec. 26. Contracts for Town Improvements. Any town improvement costing more than thirty-five hundred dollars ($3500.00) shall be executed by contract except where such improvement is authorized by the board of commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than thirty-five hundred dollars ($3500.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by law in North Carolina, provided the board of commissioners shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of commissioners.

Sec. 27. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon completion.

MISCELLANEOUS PROVISIONS

Sec. 28. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners.

Sec. 29. Personal Interest. Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services, except on behalf of the town as an officer or employee. Any wilful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of commissioners.

Sec. 30. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina; that I will, in all respects observe the provisions of the Charter and ordinances of the Town of Castalia and will faithfully discharge the duties of the office of ....."

Sec. 31. Continuance of Contracts. All contracts entered into by the town, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Sec. 32. Saving Clause. If any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the Charter. The provisions of this Charter shall supersede all laws and ordinances not consistent herewith, insofar as the Town of Castalia is affected thereby.

Sec. 33. Repealing Clause. All laws and clauses of laws in conflict with the provisions of this Act and in particular Chapter 64, Private Laws of North Carolina, 1872-73; Chapter 361, Private Laws of North Carolina, 1899; Chapter 257, Session Laws of 1947; Section 2, Chapter 242, Session Laws of 1957 and Chapter 905, Session Laws of 1957.

Sec. 34. This Act shall be in full force and effect from and after its ratification, provided that the mayor and board of commissioners in office at the time this Charter takes effect shall continue in office until their successors are elected and qualified.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 723 CHAPTER 717

AN ACT TO AMEND G. S. 156-120 RELATING TO EASEMENTS AND RIGHTS-OF-WAY BELONGING TO DRAINAGE DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 156-120 is amended by adding at the end thereof the following:

"All drainage districts heretofore created shall be deemed to own an easement or right-of-way in and to those lands upon which there are existing canals and spoil banks.

"Whenever the proposed repairs, maintenance or other improvement make it necessary for the drainage district to acquire additional land for easements or right-of-way, the procedure to secure the same shall be in accordance with G. S. 156-70.1."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 771 CHAPTER 718

AN ACT TO INCORPORATE THE TOWN OF TRENT WOODS IN CRAVEN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That certain area of Craven County, North Carolina, described in Section 2 below is hereby incorporated under the name "Trent Woods" and the same is hereby created a body politic and corporate; and shall hereafter possess all of the corporate powers and be subject to all

of the provisions contained in Chapter 160 of the General Statutes of North Carolina, except that it shall have no power to levy or collect taxes of any kind whatever.

Sec. 2. The boundaries and corporate limits of said Town of "Trent Woods" shall be as follows:

"Said tract or parcel is lying situate and being in No. 8 Township, Craven County, North Carolina, and more particularly described as follows:

"BEGINNING at the southwestern corner on Trent River of the Fred Miles property on the North side of Trent River; running thence northwardly along the western line of the Fred Miles property, this line also being the eastern line of the subdivision known as 'Miles Away' to the center line of the Country Club Road; thence westwardly along the center line of the Country Club Road to a point opposite the southeastern corner of the subdivision known as 'Greenwood'; thence to and with the eastern line of 'Greenwood' and the western line of the property formerly owned by Dr. Earl S. Sloan to the northwestern corner of the said Sloan property, said corner also being the southwestern corner of Lot Number 9 in Block C according to the plan of that certain subdivision known as 'Highland Park', which said plan is recorded in the Office of the Register of Deeds of Craven County; thence northwardly and westwardly with the western lines of Lots Numbers 9, 10, 11, and 12, and the southern line of Lot Number 13 in Block C of said 'Highland Park' to the eastern line of Forest Drive as indicated on said plan of 'Highland Park'; thence northwardly with the eastern line of Forest Drive to the southern line of U. S. Highway Number 17, thence westwardly with the southern line of U. S. Highway #17 to the northeastern corner of the Harris property (this point being in the center of a ditch) thence southwardly with the center line of said ditch to the center line of a branch, this point being in the northern line of the New Bern Memorial Cemetery; thence along and with said branch to the northeastern corner of the New Bern Memorial Cemetery; thence southwardly and westwardly with the property line of the New Bern Memorial Cemetery to the center line of the Pembroke Road (said road also being known as the Country Club Road), thence southwardly with the center line of said road to a point opposite the northeastern corner of the Herman E. Mattocks lot or parcel of land; thence westwardly to and with the northern line of the Mattocks lot to the J. Thomas lot; thence southwardly with the western line of the Herman E. Mattocks lot to the L. Mathews lot; thence westwardly with the northern line of the L. Mathews lot to the channel of Wilson's Creek; thence southwardly with the channel of Wilson's Creek to the center line of the bridge at Wilson Creek Drive; thence westwardly along the center line of Wilson Creek Drive (also known as the Haywood Road) to a point opposite the northwestern corner of Lot Number 20 according to a 'Subdivision of the Blackledge Farm' duly recorded in Map Book 2 at page 57, in the Office of the Register of Deeds of Craven County; thence southwardly with the western line of the aforesaid Lot Number 20 to the water line of Trent River; thence at right angles to the water line of Trent River to the channel of Trent River; thence eastwardly with the channel of Trent River to a point that would be intersected by a

line drawn at right angles with the shoreline of Trent River at the point of beginning; thence with the said line to the southwestern corner of said Fred Miles property, the point of BEGINNING.

"Saving, excepting, and explicitly excluding from the above described tract of land and from the corporate town limits of said Town of Trent Woods all property included within the above description as is presently owned by The New Bern Golf and Country Club, Inc."

Sec. 3. The officers of said municipality shall consist of a mayor and three commissioners, who shall serve without compensation.

Sec. 4. Until their successors shall be elected and qualified pursuant to the provisions of Chapter 160, Article 3, of the General Statutes of North Carolina, the following persons shall be and are hereby constituted the officers of said town, to wit: Mayor, George R. Scott; Commissioners, C. Stroud Tilley, George T. Burnette, Jr., and G. C. Honeycutt.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 789 **CHAPTER 719**

AN ACT TO REPEAL CHAPTER 987, SESSION LAWS OF 1949, AS AMENDED BY CHAPTER 888, SESSION LAWS OF 1953 RELATING TO THE FUNDING OF INTEREST ON BONDS OF THE TOWN OF COLUMBUS.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 987, Session Laws of 1949 entitled "An Act Amending Section 160-378 of the General Statutes, being a part of the Municipal Finance Act, 1921, relating to the funding of interest on bonds and applicable only to the Town of Walnut Cove and to the Town of Columbus", as amended by Chapter 888, Session Laws of 1953, be and the same is hereby repealed.

Sec. 2. That the last sentence of purpose (2) in Section 160-378, 1957 Cumulative Supplement of the General Statutes is hereby rewritten to read as follows: "No interest accruing after the year 1959 shall be funded or refunded."

Sec. 3. That the provisions of this Act shall apply only to the Town of Columbus.

Sec. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 5. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 822 **CHAPTER 720**

AN ACT TO PERMIT THE CITY OF WINSTON-SALEM TO ACCEPT DEEDS FOR REAL ESTATE IN PAYMENT OF TAXES AND SPECIAL ASSESSMENTS DUE THEREON IN LIEU OF FORECLOSURE OF THE TAX LIEN OR SPECIAL ASSESSMENT LIEN, AND TO RESELL SUCH PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. When the taxes upon any real property in the City of Winston-Salem are past due and unpaid to the City of Winston-Salem, and when the taxes or any special assessments upon any real property in the City of Winston-Salem are past due and unpaid, and the owner or owners of such property offer to convey same to the City of Winston-Salem in lieu of the payment of such taxes or special assessments and in lieu of the foreclosure of the lien securing such taxes or special assessments, then the City of Winston-Salem is authorized to accept the deed for such real property in payment of the taxes and special assessments; provided, there is no mortgage, deed of trust or judgment against such property, unless the holder of such mortgage, deed of trust or judgment releases the land from the lien of such mortgage, deed of trust or judgment.

Sec. 2. Any real property so conveyed to the City of Winston-Salem may be resold by the City of Winston-Salem at any time by public sale as provided by law. The acceptance of such deed by the City of Winston-Salem shall not interfere with the lien for taxes due any taxing unit other than the City of Winston-Salem.

Sec. 3. All laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 823 **CHAPTER 721**

AN ACT AMENDING CHAPTER 296 OF THE PUBLIC-LOCAL LAWS FOR THE YEAR 1939 PERMITTING THE WINSTON-SALEM EMPLOYEES RETIREMENT FUND TO BE INVESTED IN THOSE TYPES OF SECURITIES OR OTHER INVESTMENTS AUTHORIZED BY LAW FOR THE INVESTMENT OF ASSETS OF DOMESTIC LIFE INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 296 of the Public-Local Laws of the State of North Carolina for the Regular Session 1939, is hereby amended by adding at the end of Section 5 thereof the following provisions:

"The City of Winston-Salem, or any governing body, agency, insurance company, person or other corporation contracting with the City of Winston-Salem for the investment, care or administration of said fund may invest and reinvest the funds constituting the said fund in one or more of the types of securities or other investments authorized by Section 58-79 of the

General Statutes of North Carolina, as heretofore or hereafter amended, and by other State law, for the investment of assets of domestic life insurance companies."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 832 CHAPTER 722

AN ACT TO FIX THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Farmville in Pitt County shall be as follows:

"BEGINNING at the southeast property corner of the Jack McDavid lot and runs South 62 degrees 15 minutes East 5060 feet, more or less, to the intersection of Main and Contentnea Streets; thence South 13 degrees 45 minutes East 5360 feet, more or less, to southern right of way line of Norfolk-Southern Railroad; thence North 73 degrees 05 minutes West 2700 feet, more or less with the Norfolk-Southern right of way to the old city limits, and continuing North 73 degrees 05 minutes West 1640 feet, more or less, with the southern right of way of Norfolk-Southern Railroad to the point of curve on the South right of way line of Norfolk-Southern Railroad abandoned spur; thence with southern right of way of Norfolk-Southern Railroad abandoned spur to point of tangent, being 650 feet, more or less; thence continuing with the southern right of way of Norfolk-Southern Railroad, South 43 degrees 47 minutes West 1102.8 feet to another point of curve on said right of way; thence continuing with said southern right of way, 600 feet, more or less, to another point of tangent on said southern right of way; thence with said right of way, South 31 degrees 47 minutes West 1140 feet, more or less, to eastern right of way of Highway #258; thence with eastern right of way of U. S. Highway #258, South 08 degrees 45 minutes West 325 feet, more or less; thence at right angles to highway eastern right of way, North 81 degrees 15 minutes West 660 feet, more or less, to western right of way of East Carolina Railroad; thence with western right of way of East Carolina Railroad, North 01 degree 07 minutes East 1900 feet, more or less, to curve; thence continuing with said western right of way along curve, 1000 feet, more or less; thence continuing with said right of way, North 11 degrees 11 minutes East 3070 feet, more or less to the American Cyanamid Company's northeast corner in said right of way; thence North 45 degrees 19 minutes West 720 feet to corner of property known as Washington Heights Subdivision and thence with the line of Washington Heights Subdivision and extension thereof, North 11 degrees 56 minutes East 909 feet to southern right of way of Church Street; thence North 50 degrees 18 minutes East 448 feet, more or less,

with the property line of Pitt and Greene E. M. C. to the southern right of way of Wilson Street; thence with the southern right of way of Wilson Street, South 46 degrees 23 minutes East 365 feet to the western right of way of East Carolina Railroad; thence with said right of way North 11 degrees 11 minutes East 830 feet, more or less, to a curve in right of way; thence continuing with said right of way around curve, 1400 feet, more or less, to corner, old city limits; thence continuing with said right of way, 1150 feet, more or less, to a point where the extension of the R. D. Harris northern property line intersects said western right of way; thence North 64 degrees 45 minutes East 740 feet, more or less, with the extension of and the Harris North line to the Harris northeast corner; thence South 25 degrees 15 minutes East 350 feet to the Harris southeast lot corner; thence with the Harris southern property line South 64 degrees 45 minutes West 300 feet; thence South 25 degrees 15 minutes East 832 feet to the beginning, according to map of City Limits Extension by Jack McDavid, R. E., dated March, 1959."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 865 CHAPTER 723

AN ACT TO AMEND CHAPTER 926 OF THE SESSION LAWS OF 1947, RELATING TO THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Subsection (c) of Section 4 of Chapter 926 of the Session Laws of 1947, as amended, is rewritten to read as follows:

"(c) The Board of Trustees of the said Retirement System shall be trustees of the funds created by this Chapter and shall have the power to take by gift, grant, devise, or bequest, any money, real or personal property, or other things of value and hold or invest the same for the uses of said Retirement System in accordance with the purposes of this Chapter. The board of trustees shall have the authority to invest and reinvest any funds not immediately needed in any of the following:

"(1) Obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States;

"(2) Obligations of the Federal Intermediate Credit Banks, Federal Home Loan Banks, Federal National Mortgage Association, Banks for Cooperatives, and Federal Land Banks;

"(3) Obligations of the State of North Carolina;

"(4) General obligations of other states of the United States;

"(5) General obligations of cities, counties, and special districts in North Carolina;

"(6) Obligations of any corporation within the United States if such obligations bear either of the two highest ratings of at least two nationally recognized rating services;

"(7) Obligations of any corporation incorporated in North Carolina if such obligations bear either of the three highest ratings of at least two nationally recognized rating services;

"(8) In certificates of deposit in any bank or trust company authorized to do business in North Carolina in which the deposits are guaranteed by the Federal Deposit Insurance Corporation not to exceed the sum of ten thousand dollars ($10,000.00) in any one bank or trust company; and

"(9) In the shares of Federal Savings and Loan Associations and State Chartered Building or Savings and Loan Associations in which deposits are guaranteed by the Federal Savings and Loan Insurance Corporation, not to exceed ten thousand dollars ($10,000.00) in any one of such associations.

"Subject to the limitations set forth above, said board of trustees shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds."

Sec. 2. Section 4 of Chapter 926 of the Session Laws of 1947, as amended, is amended by adding at the end thereof a new subsection (q) reading as follows:

"(q) Trustees to Request Actuarial Study Annually. The board of trustees shall annually request the City of Charlotte to employ a qualified actuary to make such studies of the Charlotte Firemen's Retirement System as may be necessary or desirable in connection with the administration of the System, and to pay all fees and expenses in connection with the employment thereof. The report on said studies shall be presented to the city council in public meeting. Within the meaning of this subsection a qualified actuary shall be deemed to include only members or associate members of the Society of Actuaries or the Conference of Actuaries in Public Practice."

Sec. 3. Section 5 of Chapter 926 of the Session Laws of 1947, as amended, is amended by deleting the words: "also such rewards, donations, gifts and emoluments as may be received by a member of the System for extraordinary service while engaged in his regular employment as a fireman for the City of Charlotte.", and by changing to a period the semicolon which immediately precedes said words.

Sec. 4. Subsection (a) (1) of Section 6 of Chapter 926 of the Session Laws of 1947, as amended, is amended by adding thereto, immediately following the words "Korean War" a new sentence reading as follows:

"Furthermore, any member who leaves the active service of the Department to enter the Armed Forces of the United States of America during a period of national emergency or enters such Armed Forces at any time through the operation of the compulsory military service law of the United States of America shall be given credit for the period of service in such Armed Forces and for any period after his discharge from such Armed

Forces in which his re-employment rights are guaranteed by law, provided that such member returns to active employment within the period he is guaranteed re-employment rights by law."

Sec. 5. Subsection (a) (1) of Section 6 of Chapter 926 of the Session Laws of 1947, as amended, is further amended by adding at the end thereof a new sentence reading as follows:

"For purposes of this Chapter any person who is re-employed by the Fire Department after December 31, 1958, and who has previously received a refund pursuant to the provisions of Section 6(c) of this Chapter, shall be treated as a new employee and shall receive no credit for prior service with the Charlotte Fire Department."

Sec. 6. The second sentence of Section 6 (b) (1) of Chapter 926 of the Session Laws of 1947, as amended by Section 3 of Chapter 859 of the Session Laws of 1955, which begins with the words "No disability benefits" and ends with the words "have expired" is deleted and there is substituted in its place the following:

"Such monthly benefits shall be reduced by any amounts received under the North Carolina Workmen's Compensation law during the preceding calendar month unless a lump sum payment was made under the terms of that law, in which event no disability benefits shall be paid until the total of unpaid benefits equals the lump sum payment."

Sec. 7. The second sentence of Section 6 (c) of Chapter 926 of the Session Laws of 1947, as amended, which begins with the words "In the event" and ends with the words "his estate" is deleted and there is substituted in its place the following:

"In the event of the death of any member of the System prior to retirement or disability as heretofore provided, the full amount paid into the fund by such deceased members shall be paid to the beneficiary or beneficiaries named by such member in writing on a form furnished for that purpose and filed by the member with the Fire Department of the City of Charlotte. In the event such deceased member shall have named no beneficiary or in the event that the named beneficiary shall predecease the member, said amount shall be paid to the deceased member's estate."

Sec. 8. Section 6 (d) of Chapter 926 of the Session Laws of 1947, as amended, is deleted and there is substituted in its place the following:

"(d) Refund to Deceased Retired Members. In the event of the death of any member after retirement and before such member has received retirement payments equaling his net contribution to the Retirement System (total contribution less any refund), an amount equal to the difference between such member's net contribution to the System and what he received as retirement pay, shall be paid to the beneficiary or beneficiaries named by such member in writing on a form furnished for that purpose and filed by the member with the Fire Department of the City of Charlotte. In the event such deceased member shall have named no beneficiary or in the event that the named beneficiary shall predecease the member, said amount shall be paid to the deceased member's estate."

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 875 CHAPTER 724

AN ACT TO AMEND G. S. 153-9, RELATING TO CERTAIN SPECIAL TAX LEVIES SO AS TO MAKE THE SAME APPLICABLE TO GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 43 of G. S. 153-9 is hereby amended by inserting the word "Greene," immediately after the word "Franklin" and immediately before the word "Haywood" in the third line from the end of said subsection.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 881 CHAPTER 725

AN ACT TO VALIDATE TAX LEVIES AND TAX SALES OF THE TOWN OF AULANDER IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All acts and things done by the Board of Commissioners of the Town of Aulander or done by direction of said board in listing property for taxes and in levying taxes for all years through and including 1958 are hereby ratified and validated.

Sec. 2. The advertisements and sales of land for failure to pay taxes to the Town of Aulander and all acts and things done by the Board of Commissioners of said town or by the tax collector thereof relating to the advertisements and sales of land for failure to pay taxes to said town for the years 1956 and 1957 and all tax sales certificates issued for said years are hereby ratified and validated.

Sec. 3. This Act shall not affect pending litigation.

Sec. 4. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 882 **CHAPTER 726**

AN ACT TO VALIDATE CERTAIN TAX LEVIES AND TAX SALES OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all acts and things done by the Board of County Commissioners of Bertie County or done by direction of said board of county commissioners in listing property for taxes and in levying taxes for the years 1957 and 1958 are hereby in all respects ratified and validated.

Sec. 2. That the advertisements and sales of lands for failure to pay taxes to Bertie County and all acts and things done by the Board of County Commissioners of Bertie County or by the Tax Collector of Bertie County relating to the advertisements and sales of lands for failure to pay taxes to Bertie County due for the years 1956 and 1957 are hereby in all respects ratified and validated.

Sec. 3. This Act shall not affect pending litigation.

Sec. 4. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provisions and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 892 **CHAPTER 727**

AN ACT TO INCORPORATE THE TOWN OF CAPE CARTERET, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Section 1. Incorporation and Corporate Powers. The inhabitants of the Town of Cape Carteret in Carteret County, North Carolina, within the boundaries as established in Section 3 of this charter or as hereafter established in the manner provided by law, shall be a body politic and corporate by name the Town of Cape Carteret and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this charter, the Town of Cape Carteret shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Cape Carteret by this Section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenue thereof, or of both, including the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of commissioners shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Cape Carteret shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners.

Sec. 3. Corporate Limits. The corporate limits of the town shall be as follows:

Beginning at a concrete monument, Fort, Houser and Ennett's corner, and runs North 37 degrees 34 minutes East 678.69 feet to a stone monument, corner of Houser, Piner and Fort property, thence down with Piner and Fort line North 78 degrees 33 minutes East 3278 feet to a concrete monument on the edge of Rocky Run, thence down and with Rocky Run its various courses, in a southerly direction to the head of Barnes Creek, thence along the western shoreline of Barnes Creek in a southernly direction to the northern edge of Bogue Sound, thence along the northern shoreline of Bogue Sound in a westernly direction to a concrete monument property referenced, Fort and Ennett's corner, thence along Fort and Ennett's western boundary line North 13 degrees 48 minutes West 5155.7 feet to the beginning.

BOARD OF COMMISSIONERS

Sec. 4. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this charter all powers of the town shall be vested in a board of commissioners of three members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and the board of commissioners shall be for two years and until their successors are elected and qualified, and shall begin at noon on the day next following their election. If a vacancy occurs in the office of mayor or commissioner, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of commissioners. The mayor and members of the board of commissioners shall be qualified electors of the town. A member of the board of commissioners or the mayor ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office, shall immediately forfeit his office.

Provided however, that Howard C. Cobb is hereby appointed and named as mayor and D. E. Hill, Loyd C. Johnson and Clyde Fulcher are hereby appointed and named as commissioners to serve as the first Mayor and Board of Commissioners of the Town of Cape Carteret. Their terms of office shall begin on June 10th, 1959 and shall terminate at the time their successors are elected and qualified as provided for in this charter.

Sec. 5. Meetings of the Board of Commissioners. At noon on the day following a regular municipal election the board of commissioners shall meet and the newly elected members shall assume the duties of office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution. Special meetings may be called upon the written request of the mayor or two members of the board of commissioners. All meetings of the board of commissioners shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

Sec. 6. Mayor and Mayor Pro Tem. At its first meeting following a regular municipal election the board of commissioners shall choose one of its members as mayor pro tem. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Sec. 7. Board of Commissioners Rules. The board of commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and

compel the production of all pertinent books, records, and papers; but the decision of the board of commissioners in any such case shall be subject to review by the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of its proceedings.

Sec. 8. Quorum. A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Sec. 9. Introduction and Passage of Ordinance and Resolutions. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners. Except as otherwise prescribed in this charter or by general law, all ordinances and resolutions passed by the board of commissioners shall take effect at the time indicated therein. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure.

Sec. 10. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage, a notice setting forth in brief the substance of each ordinance shall be published or posted at least once in such manner as the board of commissioners may prescribe.

NOMINATIONS AND ELECTIONS

Sec. 11. Municipal Elections. The regular election for the choice of mayor and members of the board of commissioners shall be held on Tuesday following the first Monday in May in the year 1961 and biennially thereafter. The board of commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 12. Regulations of Elections. All elections shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein.

Sec. 13. Nominations. Any qualified elector of the Town of Cape Carteret may file as a candidate for mayor or commissioner by formal notice of candidacy in substantially the following form:

"I, ..., hereby give notice that I am a candidate for election to the office of ....., to be voted on at the election to be held on ....., and I hereby request that my name be printed on the official ballot for such office, I also certify that I am a resident and qualified elector of the Town of Cape Carteret, residing at ..... in said town.

.....
Candidate

.....
Date

Witness:

....."

The notice of candidacy prescribed above must be filed with the town clerk not earlier than sixty (60) days nor later than ten (10) days before the date of election. The town clerk shall preserve all such notices until expiration of the term of the office for which the candidate filed. Any candidate may withdraw his notice of candidacy not later than the last day for filing by submitting written notice of withdrawal with the town clerk.

Sec. 14. Election of Mayor and Board of Commissioners. All members of the board of commissioners shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for three candidates for the board of commissioners. The three candidates who receive the largest number of votes for commissioner shall be declared elected. The candidate who receives the largest number of votes for mayor shall be declared elected.

ADMINISTRATIVE SERVICE

Sec. 15. Appointment of Officers and Employees. The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment: Provided, that the board of commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 16. Custody of Town Money. All moneys received by the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the board of commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by the mayor and countersigned by the treasurer or other official designated by the board of commissioners.

Sec. 17. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Sec. 18. Purchase Procedure. Before making any purchase for supplies, materials, equipment, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of commissioners may prescribe by ordinance. All expenditures for supplies, materials, equipment, involving more than two thousand dollars ($2,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as is required by law in North Carolina.

Sec. 19. Contracts for Town Improvements. Any town improvement costing more than thirty-five hundred dollars ($3500.00) shall be executed by contract except where such improvement is authorized by the board of commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than thirty-five hundred dollars ($3500.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by law in North Carolina, provided the board of commissioners shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of commissioners.

Sec. 20. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be available to any interested citizen and may be published if so ordered by the board of commissioners.

MISCELLANEOUS PROVISIONS

Sec. 21. Publicity of Records. All records and accounts of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners.

Sec. 22. Personal Interest. Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services, except on behalf of the town as an officer or employee. Any wilful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of commissioners.

Sec. 23. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Cape Carteret and will faithfully discharge the duties of the office of ....."

Sec. 24. Saving Clause. If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supersede all laws and ordinances not consistent herewith, insofar as the Town of Cape Carteret is affected thereby.

Sec. 25. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 927 CHAPTER 728

AN ACT PERMITTING DAVIE COUNTY TO AUTHORIZE BONDS FOR SCHOOL PURPOSES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS NOTWITHSTANDING THE LIMITATION OF DEBT FOR SUCH PURPOSES IN THE COUNTY FINANCE ACT.

The General Assembly of North Carolina do enact:

Section 1. That, pursuant to the provisions of the County Finance Act (Article 9 of Chapter 153 of the General Statutes of North Carolina) the Board of Commissioners for the County of Davie, North Carolina, is hereby authorized and empowered to pass a bond order or bond orders authorizing the issuance of bonds of said county for school purposes as provided in clause (a) of Section 153-77 of said General Statutes in the maximum aggregate principal amount of one million seven hundred thousand dollars ($1,700,000) notwithstanding any limitation contained in Section 153-87 of said General Statutes.

Sec. 2. The powers granted by this Act are in addition to and not in substitution for any other powers heretofore or hereafter granted to said county.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 936 **CHAPTER 729**

AN ACT RELATING TO TRIAL OF CASES IN SUPERIOR COURT OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70, as the same appears in the 1957 Supplement to the General Statutes, which fixes the terms of Superior Court to be held in Camden County, is amended by striking out, in lines 2 and 3, the words "the ninth Monday after the first Monday in September to continue for one week for the trial of civil cases only."

Sec. 2. The last paragraph of that portion of G. S. 7-70, as the same appears in the 1957 Supplement to the General Statutes, which fixes the terms of Superior Court in the first division of the First Judicial District, is amended by inserting a comma after the word "September" and inserting before the word "and" in line 7 of said paragraph the following: "the ninth Monday after the first Monday in September,".

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 979 **CHAPTER 730**

AN ACT AMENDING SECTION 9, CHAPTER 4, PUBLIC-LOCAL LAWS OF 1937 SO AS TO AUTHORIZE THE SINKING FUND COMMISSION FOR BUNCOMBE COUNTY TO RECEIVE, INVEST AND ACCOUNT FOR ANY FUNDS PLACED IN A SCHOOL CAPITAL RESERVE FUND IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 9 of Chapter 4, Public-Local Laws of 1937, be and the same is hereby amended by adding at the end thereof the following:

"In case a School Capital Reserve Fund shall be established in Buncombe County under the provisions of H. B. 572, enacted by the 1959 Session of the General Assembly, such funds in Buncombe County shall be paid over to the Sinking Fund Commission for Buncombe County and shall be invested and accounted for by said Sinking Fund Commission in the manner provided for in said H. B. 572."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

H. B. 1013 **CHAPTER 731**

AN ACT TO AMEND G. S. 7-186 RELATING TO THE APPOINTMENT OF A RECORDER FOR THE RECORDER'S COURT OF THE TOWN OF LIBERTY, RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-186 is hereby amended as follows:

(a) By striking from line three of said Section the words "of the municipality" as the same appear immediately following the word "elector" and immediately preceding the word "The" and substituting therefor the words "residing within the jurisdictional limits of the court".

(b) By striking from lines 11, 12, 13 and 14 of said Section the words "nominated and elected in the municipality in the same manner and at the same time as is now provided by law for the elective officers of the municipality, and in the general election for such officers" as the same appear immediately following the word "be" in line eleven and immediately preceding the word "Before" in line fourteen and substituting therefor the words "elected by the governing body of the municipality at the first regular meting of said body following the municipal election and shall serve for a term of two years and until his successor is duly elected and qualified".

Sec. 2. This Act shall apply only to Randolph County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1959.

S. B. 53 **CHAPTER 732**

AN ACT TO AMEND G. S. 97-27 TO PROVIDE FOR EXAMINATION FOR INJURED EMPLOYEES TO BE PAID FOR BY EMPLOYERS OR THE INDUSTRIAL COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 97-27, as the same is found in the 1958 Replacement Volume 2C, is hereby amended by inserting before the word "After", in line one thereof, the symbol "(a)"; by inserting following the word "shall" and preceding the word "submit", in line three thereof, the words ", subject to the provisions of subsection (b),"; and by adding at the end thereof a new subsection (b) to read as follows:

"(b) In those cases arising under this Act in which there is a question as to the percentage of permanent disability suffered by an employee, if any employee, required to submit to a physical examination under the provisions of subsection (a) is dissatisfied with such examination or the report thereof, he shall be entitled to have another examination by a duly qualified physician or surgeon licensed and practicing in North Carolina designated by him and paid by the employer or the Industrial Commission

in the same manner as physicians designated by the employer or the Industrial Commission are paid. Provided however that all travel expenses incurred in obtaining said examination shall be paid by said employee. The employer shall have the right to have present at such examination a duly qualified physician or surgeon provided and paid by him. No fact communicated to or otherwise learned by any physician or surgeon who may have attended or examined the employee, or who may have been present at any examination, shall be privileged, either in hearings provided for by this Article or any action at law."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

S. B. 244 CHAPTER 733

AN ACT TO AMEND G. S. 14-197 RELATING TO PROFANE OR INDECENT LANGUAGE ON THE PUBLIC HIGHWAYS SO AS TO MAKE THE SAME APPLY TO CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-197, as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out, in line six thereof, the word "Cleveland,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

S. B. 320 CHAPTER 734

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF MOUNT AIRY TO DETERMINE WHETHER OR NOT ALCOHOLIC BEVERAGE CONTROL STORES SHALL BE ESTABLISHED IN SAID TOWN AND TO PRESCRIBE THE DISPOSITION OF THE NET PROFITS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Mount Airy may at any time, after the third day of August, 1959, call an election for the purpose of submitting the question as to whether or not town Alcoholic Beverage Control Stores may be operated in said town. At said election, if a majority of the votes cast shall be for the operation of such stores, it shall be legal for Alcoholic Beverage Control Stores to be set up and operated in said town. If a majority of the votes cast in said election shall

be against the operation of such stores, no such stores shall be set up and operated in the town under the provisions of this Act.

Sec. 2. A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register in said Alcoholic Beverage Control election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Alcoholic Beverage Control Stores", "Against Town Alcoholic Beverage Control Stores". Those favoring setting up and operating Alcoholic Beverage Control Stores in the Town of Mount Airy shall mark in the voting square to the left of the words, "For Town Alcoholic Beverage Control Stores", printed on the ballot; and those opposed to the town Alcoholic Beverage Control Stores shall mark in the voting square to the left of the words, "Against Town Alcoholic Beverage Control Stores". Except as otherwise herein provided, if a special election is called, the election authorized shall be conducted under the same statutes, rules, and regulations applicable to general elections for the Town Board of Commissioners of the Town of Mount Airy, and the cost thereof shall be paid from the general fund of the Town of Mount Airy.

Sec. 3. If the operation of town Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the Board of Commissioners of the Town of Mount Airy shall immediately create a Town Board of Alcoholic Control to be composed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Mount Airy Board of Alcoholic Control". The members and chairman of said board shall be designated by the mayor and governing body of the town and the member designated as chairman shall serve for his first term a period of three years. As to the other members, one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year; and all terms shall begin with the date of their appointment. Thereafter, as the terms of the chairman and members expire, their successors in office shall serve for terms of three years each, and until their successors are appointed and qualified. Any vacancy shall be filled by the town board of commissioners for the unexpired term. Compensation of the members of said Town Board of Alcoholic Control shall be fixed by the Board of Commissioners of Mount Airy.

Sec. 4. The said Town of Mount Airy Board of Alcoholic Control shall have all the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 13-39 of the General Statutes. The said Town of Mount Airy Board of Alcoholic Control and the operation of any town Alcoholic Beverage Control Stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes of North Carolina except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County"

board of alcoholic control appears in said Article, it shall include the Town of Mount Airy Board of Alcoholic Control. The Town of Mount Airy Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem wise and fix their compensation.

Sec. 5. Out of the net revenue remaining after the payment of all costs and operating expenses, and after retaining a sufficient and proper working capital, the Board of Commissioners of the Town of Mount Airy shall distribute said net revenue as follows:

Recreation, Library and Planning	5%
Debt Service	30%
Surry County School, Capital Outlay	10%
Mount Airy Schools, Capital Outlay	10%
Law Enforcement	10%
Street Extension & Developing	30%
Northern Surry Hospital	5%
Total	100%

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

S. B. 363

CHAPTER 735

AN ACT VALIDATING ALL ACTS OF ALFONSO F. FELTON AND C. W. MAYO AS MEMBERS OF THE EDGECOMBE COUNTY BOARD OF EDUCATION TAKEN PRIOR TO THEIR QUALIFICATION.

WHEREAS, by H. B. 217, ratified on March 24, 1959, Alfonso F. Felton and C. W. Mayo were appointed members of the Edgecombe County Board of Education for terms of six years each; and

WHEREAS, said Act provides that the members of the several county boards of education appointed by said Act should qualify by taking the oath of office on or before the first Monday in April, 1959; and

WHEREAS, said members did not take their oaths of office until after the first Monday in April, 1959; and

WHEREAS, said Alfonso F. Felton and C. W. Mayo served as members of said county board of education for a short time before taking their oaths of office: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That all acts as members of the Edgecombe County Board of Education taken by said Alfonso F. Felton and C. W. Mayo prior to taking their oaths of office are hereby in all respects ratified, confirmed, validated and declared to be official acts as members of the Edgecombe County Board of Education. Their tenure of office shall in no way be

affected by the fact that said members of said board of education failed to take their oaths of office on or before the first Monday in April, 1959.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

S. B. 380 **CHAPTER 736**

AN ACT TO REGULATE AND FIX THE SALARIES OF THE SHERIFF, REGISTER OF DEEDS, AND CLERK OF SUPERIOR COURT, OF LENOIR COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the effective date of this Act, the salary of the Sheriff of Lenoir County shall be fixed by the commissioners of said county at a minimum of not less than six thousand five hundred dollars ($6,500.00) and a maximum of not more than seven thousand five hundred dollars ($7,500.00) both sums per annum, payable in equal monthly installments.

Sec. 2. From and after the effective date of this Act, the salary of the Register of Deeds of Lenoir County shall be fixed by the commissioners of said county at a sum of not less than five thousand five hundred dollars ($5,500.00) per annum nor more than six thousand five hundred dollars ($6,500.00) per annum, payable in equal monthly installments.

Sec. 3. From and after the effective date of this Act, the salary of the Clerk of the Superior Court of Lenoir County shall be fixed by the commissioners of said county at not less than six thousand two hundred fifty dollars ($6,250.00) per annum, nor more than seven thousand two hundred dollars ($7,200.00) per annum, payable in equal monthly installments. In addition to any salary paid the Clerk within the range above fixed, the Clerk of the Superior Court of Lenoir County shall receive a salary of seven hundred twenty dollars ($720.00) per annum, payable monthly, for his services as Judge of the Juvenile Court of said county.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

S. B. 381 **CHAPTER 737**

AN ACT TO EXTEND THE PLANNING AND ZONING POWERS OF THE TOWN OF MURFREESBORO AND ITS GOVERNING BODY TO THE TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE TOWN OF MURFREESBORO FOR A DISTANCE OF ONE MILE IN ALL DIRECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of promoting the orderly growth, expansion and development of the Town of Murfreesboro and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals and general welfare of the citizens of the Town of Murfreesboro and of the territory and community beyond and surrounding the corporate limits of the said municipality, as hereinafter defined, the Board of Commissioners of the Town of Murfreesboro is hereby authorized and empowered to adopt such ordinances and regulations as may be considered necessary or expedient by the said governing body to regulate, control and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, not only within the corporate limits of the Town of Murfreesboro, but also, when specifically provided by the terms of any such ordinance, within the territory and community beyond and surrounding the corporate boundaries of the Town of Murfreesboro as now or hereafter fixed, for a distance of one mile of and beyond such corporate boundaries in all directions; and within the aforesaid territory within and beyond the corporate boundaries, the Board of Commissioners of the Town of Murfreesboro is hereby authorized and empowered to exercise any and all powers of planning and/or zoning conferred upon the Town of Murfreesboro and vested in its governing body by the Charter of the Town of Murfreesboro, and/or the General Statutes of North Carolina, as amended from time to time, including but not being limited to the provisions of Article 14 of subchapter I of Chapter 160 of the General Statutes, and/or by any other statute applicable to the Town of Murfreesboro, to the same extent and according to the same methods of procedure as applicable to planning and/or zoning within the corporate limits of the Town of Murfreesboro.

Sec. 2. That at the time the Board of Commissioners of the Town of Murfreesboro authorizes the Planning Board of the Town of Murfreesboro to prepare a recommended zoning ordinance for the territory beyond the corporate limits for a distance of one mile in all directions, the County Board of Commissioners of Hertford County shall appoint three (3) residents or property owners of the territory beyond the corporate limits of the Town of Murfreesboro and within one mile thereof to serve as members of the Town of Murfreesboro's Planning Board in addition to the regularly appointed members. The additional members of the Planning Board so appointed who are residents or property owners of the territory

beyond the corporate limits shall have equal rights and privileges with the other members of the Town of Murfreesboro Planning Board in all matters pertaining to the zoning and planning of the territory surrounding and beyond the corporate limits of the Town of Murfreesboro within a distance of one mile in all directions thereof.

Sec. 3. In the event that the Board of Commissioners of the Town of Murfreesboro adopts zoning regulations for the area outside the corporate limits, it shall increase the membership of the Board of Adjustment by adding three (3) additional members. Such members shall be residents or property owners of the one-mile area outside the corporate limits and shall be appointed by the Board of Commissioners of Hertford County. Such members shall have equal rights, privileges, and duties with the other members of the Board of Adjustment in all matters pertaining to the regulation of such area. The concurring vote of six (6) members of such enlarged board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of an ordinance.

Sec. 4. The Board of Commissioners is further authorized in order to enforce properly the provisions of any planning or any zoning ordinances that may be enacted affecting the area beyond the corporate limits as defined herein, to require that, prior to the beginning of any construction, reconstruction or alteration of any building or structure, a permit be obtained therefor from the Town of Murfreesboro. The permit shall be issued if the proposed structure complies with such requirements as may have been adopted by the Board of Commissioners of the Town of Murfreesboro for the area whereon the structure is to be situated.

Sec. 5. That the provisions of this Act shall apply only to the Town of Murfreesboro and to the territory within the corporate limits of the Town of Murfreesboro and that territory beyond and surrounding the corporate limits of the Town of Murfreesboro for a distance of one mile beyond the same in all directions.

Sec. 6. The Board of Commissioners of the Town of Murfreesboro shall enact no ordinance or ordinances under the provisions of this Act without first holding a public hearing.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

S. B. 385 **CHAPTER 738**

AN ACT TO FIX THE SALARIES OF THE CLERK OF THE SUPERIOR COURT, SHERIFF, AND REGISTER OF DEEDS OF FORSYTH COUNTY, AND TO REVISE PROVISIONS WITH RESPECT TO THE SPECIAL TRUST FUND CREATED BY CHAPTER 147, SESSION LAWS OF 1943, FOR SAID CLERK OF SUPERIOR COURT'S OFFICE.

The General Assembly of North Carolina do enact:

Section 1. The annual salaries of the present incumbents of the offices of Clerk of the Superior Court, Sheriff, and Register of Deeds of Forsyth County shall be as follows, effective as of July 1, 1959:

Clerk of the Superior Court	$12,000.00
Sheriff	9,900.00
Register of Deeds	8,000.00

In addition thereto the present incumbent of the office of Sheriff shall continue to receive one thousand five hundred dollars ($1,500.00) per year for expenses. Such salaries and expense payments shall be payable in monthly or semimonthly installments, in the discretion of the Board of Commissioners of Forsyth County.

Sec. 2. The annual salary of any successor to the present incumbent of the office of Clerk of the Superior Court, Sheriff and Register of Deeds of Forsyth County shall be as follows:

Clerk of the Superior Court	$8,000.00
Sheriff	8,000.00
Register of Deeds	6,000.00

Further, the payment to the Sheriff of one thousand five hundred dollars ($1,500.00) per year for expenses shall terminate upon the qualification of a successor to the present incumbent of the office of Sheriff.

Sec. 3. All funds now held by Forsyth County in a Special Trust Fund for the Clerk of the Superior Court of Forsyth County, pursuant to the provisions of Chapter 147, Session Laws of 1943, shall continue to be held by Forsyth County in said Special Trust Fund as hereinafter provided. All interest and dividends earned and collected from the investment of unallocated funds and paid to Forsyth County until July 1, 1959, must be held in said Special Trust Fund and be invested by Forsyth County as provided by law for the investment of funds by guardians and other fiduciaries, and on sufficient proof shown shall be applied to the making of settlement with the creditors of the office of the Clerk of the Superior Court of Forsyth County to cover any losses that might occur in the Clerk's office not due to the willful misconduct of the Clerk, but said Forsyth County shall not be liable for the losses beyond the amount in said Special Trust Fund. The Special Trust Fund hereinbefore provided for shall terminate upon the qualification of a Clerk of the Superior Court other than W. E. Church, the present incumbent, and the balance on deposit in said Special Trust Fund, upon the retirement of said Clerk, shall belong to Forsyth County and shall be transferred to the general

fund discharged of the trust. All interest and dividends received from investments of unallocated funds and collected after June 30, 1959, by the Clerk of the Superior Court, shall be paid over by said Clerk to the General Fund of Forsyth County.

Sec. 4. Chapter 934 of the Session Laws of 1957 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

S. B. 391 CHAPTER 739

AN ACT REPEALING CHAPTER 174, PUBLIC LAWS OF 1909, CHAPTER 135, PUBLIC-LOCAL LAWS OF 1911 AND CHAPTER 495, PUBLIC-LOCAL LAWS OF 1927 RELATING TO FOXHUNTING IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 174, Public Laws of 1909, Chapter 135, Public-Local Laws of 1911 and Chapter 495, Public-Local Laws of 1927, relating to the hunting of foxes in Chatham County, be and they are hereby repealed. The purpose of this Act is to place Chatham County under the State-wide law regulating the hunting of foxes.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

S. B. 395 CHAPTER 740

AN ACT TO AMEND CHAPTER 759 OF THE SESSION LAWS OF 1953 RELATING TO THE BOARD OF EDUCATION OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 759 of the Session Laws of 1953 is hereby amended by rewriting the Section to read as follows:

"Sec. 3. The names of the two persons receiving the largest number of votes as candidates for nomination and appointment as members of the Union County Board of Education in the primary election year in 1960 shall be submitted to the next General Assembly of North Carolina for appointment as members of said board of education for a term of two years. The names of the five persons receiving the largest number of votes as candidates for nomination and appointment as members of the Union County Board of Education in the primary election year in 1962, and biennially thereafter, shall be submitted to the next General Assembly of North Carolina for appointment as members of said board of education for a term of two years."

Sec. 2. Section 4 of Chapter 759 of the Session Laws of 1953 is hereby amended by rewriting the Section to read as follows:

"Sec. 4. As the terms of office referred to in Section 3 of this Act shall expire, successors shall be nominated and appointed for terms of two years."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

S. B. 396 CHAPTER 741

AN ACT RELATING TO TERMS FOR THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Union County shall be and continue to be composed of five members who shall be nominated, elected and hold terms of office as hereinafter set forth in this Act.

Sec. 2. At the next primary to be held in Union County in the year of 1960, there shall be nominated by the political parties one candidate for the office of Chairman of the Board of County Commissioners of Union County and two candidates for the offices of members of the Board of County Commissioners of Union County, and in the general election for the election of county officers held in the year 1960 the candidate for said office of chairman and the two candidates for said offices of members of said board receiving the highest number of votes, respectively, shall be declared elected for two-year terms. At the next primary to be held in Union County in the year of 1962, and biennially thereafter, there shall be nominated by the political parties one candidate for said office of chairman and four candidates for the offices of members of said Board of County Commissioners of Union County, and in the general election for the election of county officers held in the year of 1962, and biennially thereafter, the candidate for said office of chairman and the four candidates for said offices of members of said board receiving the highest number of votes, respectively, shall be declared elected for two-year terms. At the end of the respective terms of office of said chairman and members of the Board of County Commissioners of Union County, their successors shall be elected for terms of two years.

Sec. 3. The provisions of this Act shall apply to Union County only.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 118 **CHAPTER 742**

AN ACT TO PROHIBIT STATE EMPLOYEES AND EMPLOYEES OF CITIES, TOWNS AND OTHER AGENCIES AND UNITS OF GOVERNMENT FROM BECOMING MEMBERS OF TRADE UNIONS OR LABOR UNIONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 95, as the same appears in the 1958 Replacement Volume 2C of the General Statutes, Replacement 1958, is hereby amended by adding thereto a new Article, which shall be designated as "Article 11", and which shall read as follows:

"Article 11.

"PUBLIC EMPLOYEES PROHIBITED FROM BECOMING MEMBERS OF TRADE UNIONS OR LABOR UNIONS

"G. S. 95-85. Employees of Units of Government Prohibited from Becoming Members of Trade Unions or Labor Unions. No employee of the State of North Carolina, or of any agency, office, institution or instrumentality thereof, or any employee of a city, town, county, or other municipality or agency thereof, or any public employee or employees of an entity or instrumentality of government shall be, become, or remain a member of any trade union, labor union, or labor organization which is, or may become, a part of or affiliated in any way with any national or international labor union, federation, or organization, and which has as its purpose or one of its purposes, collective bargaining with any employer mentioned in this Article with respect to grievances, labor disputes, wages or salary, rates of pay, hours of employment, or the conditions of work of such employees. Nor shall such an employee organize or aid, assist, or promote the organization of any such trade union, labor union, or labor organization, or affiliate with any such organization in any capacity whatsoever.

The terms "employee", "public employee" or "employees" whenever used in this Section shall mean any regular and full-time employee engaged exclusively in law enforcement or fire protection activity.

"G. S. 95-86. Contracts Between Units of Government and Labor Unions, Trade Unions or Labor Organizations Concerning Public Employees Declared to be Illegal. Any agreement, or contract, between the governing authority of any city, town, county, or other municipality, or between any agency, unit, or instrumentality thereof, or between any agency, instrumentality, or institution of the State of North Carolina, and any labor union, trade union, or labor organization, as bargaining agent for any public employees of such city, town, county or other municipality, or agency or instrumentality of government, is hereby declared to be against the public policy of the State, illegal, unlawful, void and of no effect.

"G. S. 95-87. Penalty for Violation of Article. Any violation of the provisions of this Article is hereby declared to be a misdemeanor, and upon conviction, plea of guilty or plea of nolo contendere shall be punishable in the discretion of the court.

"G. S. 95-88. No Provision of Article 10 of Chapter 95 Applicable to Units of Government or Their Employees. The provisions of Article 10 of Chapter 95 of the General Statutes shall not apply to the State of North Carolina or any agency, institution, or instrumentality thereof or the employees of same nor shall the provisions of Article 10 of Chapter 95 of the General Statutes apply to any public employees or any employees of any town, city, county or other municipality or the agencies or instrumentalities thereof, nor shall said Article apply to employees of the State or any agencies, instrumentalities or institutions thereof or to any public employees whatsoever."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect thirty days from and after its ratification.

In the General Assembly read three times and ratified this the 4th day of June, 1959.

H. B. 599 CHAPTER 743

AN ACT TO AMEND CHAPTER 1 OF THE GENERAL STATUTES RELATING TO THE DISMISSAL OF APPEALS TO THE SUPREME COURT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 1-287, to be designated as G. S. 1-287.1, and to read as follows:

"G. S. 1-287.1. When it appears to the Superior Court that statement of case on appeal to the Supreme Court has not been served on the appellee or his counsel within the time allowed, it shall be the duty of the presiding judge, upon motion by the appellee, to enter an order dismissing such appeal; provided the appellant has been given at least five (5) days' notice of such motion. The provisions of this Section shall not apply in any case in which a sentence of death has been pronounced. The provisions of this Section shall not apply in any case with respect to which there is no requirement to serve a case on appeal. The provisions of this Section are not exclusive but are in addition to any other procedures for obtaining the dismissal of a case on appeal to the Supreme Court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 718 **CHAPTER 744**

AN ACT TO AUTHORIZE THE ISSUANCE OF CERTIFICATES TO REGISTERED VETERINARIANS OF OTHER STATES.

The General Assembly of North Carolina do enact:

Section 1. Amend Article 11 of Chapter 90 of the General Statutes of North Carolina by adding a new Section to be designated Section 183½ to read as follows:

"G. S. 90-183½. Applicants registered or certified by examiners of other states whose requirements are equal to those of this State may, in the discretion of the board, and upon payment of a fee of twenty-five dollars ($25.00), be granted a certificate without examination: Provided, that the provisions of this Section shall be extended only to those states which extend to this State the same privilege."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 734 **CHAPTER 745**

AN ACT TO AMEND CHAPTER 18 OF THE GENERAL STATUTES TO MAKE UNLAWFUL THE PURCHASE OF INTOXICATING BEVERAGES BY PERSONS UNDER EIGHTEEN YEARS OF AGE, AND TO PROHIBIT CONSUMPTION ON LICENSED PREMISES OF ALCOHOLIC LIQUORS, THE SALE AND POSSESSION OF WHICH IS NOT AUTHORIZED BY LAW.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-90.1 is hereby rewritten to read as follows:

"It shall be unlawful for:

"(1) Any person, firm or corporation to sell or give any of the products described in G. S. 18-64 and G. S. 18-60 to any minor under eighteen (18) years of age.

"(2) Any minor under eighteen (18) years of age to purchase, or for anyone to aid or abet such minor in purchasing, any of the products described in G. S. 18-64 or G. S. 18-60."

Sec. 2. Subsection 5 of G. S. 18-78.1 is hereby amended by adding in line one of said subsection after the words "possess, or" and before the word "permit" the word "knowingly", and by striking from line three of said subsection the words "under his license" and by substituting therefor the words "by law".

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 758 **CHAPTER 746**

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT TO BE HELD IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, fixing the terms of Superior Court to be held in Rutherford County is hereby amended by deleting from line four thereof the words "with priority given to all civil cases", and substituting in lieu thereof the words "with priority given to criminal cases".

Sec. 2. Said portion of G. S. 7-70 is hereby further amended by adding at the end thereof a new paragraph to read as follows: "In addition to the terms of court provided for above there shall be held in the County of Rutherford the following term of court: The third Monday before the first Monday in September to continue one week for the trial of civil and criminal cases, with priority given to criminal cases. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 759 **CHAPTER 747**

AN ACT TO AMEND G. S. 9-25 SO AS TO PROVIDE THE MANNER OF DRAWING GRAND JURIES IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-25 is hereby amended by adding at the end thereof the following paragraph: "At each November term of the Superior Court hereafter held for the County of Rutherford, the grand jury shall be drawn as provided by law, shall be charged by the presiding judge, and shall serve until the next succeeding May term of the Superior Court for Rutherford County, and until its successor has been drawn and qualified. At each May term of the Superior Court with priority given to criminal cases hereafter held for the County of Rutherford, the grand jury shall be drawn as provided by law, shall be charged by the presiding judge, and shall serve until the next succeeding November term of the Superior Court for Rutherford County and until its successor has been drawn and qualified. Said grand jury shall attend every term of the Superior Court held in Rutherford County in which criminal cases have priority and shall serve until it has been discharged. Said grand jury may be convened for the terms of court in which priority is given to the trial of civil cases, when ordered by the resident judge or the judge holding the courts for the

judicial district, with notice to the Clerk of the Superior Court of Rutherford County at least ten days before the convening of said court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 793 CHAPTER 748

AN ACT TO PROVIDE FOR THE APPOINTMENT AND DUTIES OF A BAILIFF, OR BAILIFFS, FOR THE MUNICIPAL COURT OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. The City Council of the City of High Point shall, upon order entered by the judge and filed with the city manager, appoint such court bailiff, or bailiffs, to be designated by the judge, as the needs of the court and its judges may require. The periods, hours of service and duties of said bailiffs shall be fixed, from time to time, by the judge. The said bailiff, or bailiffs, so appointed shall each be paid for their services an amount on a per diem basis to be fixed by the city council.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 798 CHAPTER 749

AN ACT TO AMEND G. S. 9-25 RELATING TO GRAND JURIES IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-25, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding at the end thereof the following new paragraph relating to grand juries in Chatham County:

"At the first term of court for the trial of criminal cases in Chatham County, after the first day of July, 1959, there shall be chosen a grand jury as now provided by law. The first nine members of said grand jury shall serve for a term of one year and until their successors are chosen and qualified, and the second nine members of said grand jury shall serve for a term of six months and until their successors are chosen and qualified. Thereafter, at the first regular criminal term of Superior Court after the first day of January and the first day of July of each year, there shall be chosen nine members of the said grand jury to serve for a term of one

year and until their successors are chosen and qualified. The foreman of the grand jury shall be chosen originally from the members serving a term of one year, and, thereafter, the foreman shall be chosen from the group which has served as grand juror for six months to serve for six months."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 831 CHAPTER 750

AN ACT TO AMEND CHAPTER 1095, SESSION LAWS OF 1947, RELATING TO THE MAYOR'S COURT OF THE TOWN OF FRANKLINTON IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1095, Session Laws of 1947, is hereby amended by adding at the end of the paragraph numbered "9." of subsection 1 of said Section, the following:

"The Assistant Clerk of the Town of Franklinton shall be authorized to act as Assistant Ex Officio Clerk of the Franklinton Mayor's Court and shall have the authority to sign warrants and to perform all other duties now required by the clerk of said court. Deputy clerks of said court, when assigned, shall be authorized to sign warrants and perform such other duties as shall be delegated to them by the governing body of the Town of Franklinton."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 843 CHAPTER 751

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF THE SUPERIOR COURT IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The paragraph of G. S. 7-70, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, which fixes the terms of the Superior Court in Transylvania County is hereby amended to read as follows:

"Transylvania—The fourth Monday before the first Monday in March to continue for one week for the trial of criminal cases; the fourth Monday after the first Monday in March to continue for two weeks for the trial of criminal and civil cases; the eighth Monday before the first Monday in September to continue for two weeks for the trial of criminal and civil

cases; the seventh Monday after the first Monday in September to continue for two weeks for the trial of criminal and civil cases.

"In addition to the terms of court provided for above, there shall be held in Transylvania County the following term of court: The fifth Monday before the first Monday in March to continue for one week for the trial of civil cases. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 844 CHAPTER 752

AN ACT TO AMEND G. S. 9-4 RELATING TO THE NUMBER OF JURORS TO BE DRAWN IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The paragraph of G. S. 9-4, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, relating to the number of jurors to be drawn in Transylvania County is hereby amended to read as follows:

"In Transylvania County the board of county commissioners may cause to be drawn from the jury box, in its discretion, the following number of jurors:

"For the term of court beginning on the fourth Monday before the first Monday in March, 48 jurors.

"For the first week of the term beginning on the eighth Monday before the first Monday in September, 48 jurors.

"For all other terms and weeks of court, 30 jurors."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 859 CHAPTER 753

AN ACT TO AMEND G. S. 9-25 RELATING TO GRAND JURORS IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of G. S. 9-25, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding immediately following the comma after the word "Richmond" and immediately preceding the word "Wake" the word "Transylvania,".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 863 CHAPTER 754

AN ACT TO AMEND CHAPTER 76 OF THE PUBLIC LAWS OF 1929 RELATING TO THE GRAND AND PETIT JURIES OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 76 of the Public Laws of 1929 is hereby amended by striking out the word "forty" immediately following the word "of" and immediately preceding the word "qualified", in line 5 of said Section, and substituting in lieu thereof the word "sixty".

Sec. 2. Section 3 of Chapter 76 of the Public Laws of 1929 is hereby amended by striking out the word "twenty-four" immediately following the word "of", at the end of line 2 of said Section, and substituting in lieu thereof the word "thirty-six".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 878 CHAPTER 755

AN ACT TO AMEND CHAPTER 168 OF PUBLIC-LOCAL LAWS 1939, AS AMENDED BY CHAPTER 292 OF PUBLIC-LOCAL LAWS 1941, AS AMENDED BY CHAPTER 79, SESSION LAWS OF 1945, AS AMENDED BY CHAPTER 1096, SESSION LAWS OF 1955, AS AMENDED BY CHAPTER 455, SESSION LAWS OF 1957, RELATING TO THE RALEIGH-DURHAM AIRPORT.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 168 of Public-Local Laws 1939, as amended by Chapter 292 of Public-Local Laws 1941, as amended by Chapter 79, Session Laws of 1945, as amended by Chapter 1096, Session Laws of 1955, as amended by Chapter 455, Session Laws of 1957, is hereby amended in the following particulars:

1. By striking out Section 7 (c) thereof and substituting in lieu thereof the following:

"(c) To lease (without the joinder in the lease agreements of the owning municipalities, to wit, the Counties of Wake and Durham, and the Cities of Raleigh and Durham) for a term not to exceed 40 years, and for

purposes not inconsistent with the grants and agreements under which the said airport is held by said owning municipalities, real or personal property under the supervision of or administered by the said Authority."

2. By striking out Section 7 (d) thereof and substituting in lieu thereof the following:

"(d) To contract with persons, firms or corporations for terms not to exceed 40 years, for the operation of airline-scheduled passenger and freight flights, non-scheduled flights, and any other airplane activities, not inconsistent with said grant agreements under which the airport property is held by the owning municipal corporations, and to charge and collect reasonable and adequate fees, charges and rents for the use of such property or for services rendered in the operation thereof."

3. By striking out Section 7 (e) thereof and substituting in lieu thereof the following:

"(e) To operate, own, control, regulate, lease or grant to others the right to operate any airport premises, restaurants, apartments, hotels, motels, agriculture fairs, tracks, motion picture shows, cafes, soda fountains, or other businesses, amusements or concessions for a term not exceeding 40 years, as may appear to said Authority advantageous or conducive to the development of said airport."

4. By striking out Section 7 (f) thereof and substituting in lieu thereof the following:

"(f) To erect and construct buildings, hangars, shops and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property of the airport is held; to lease the same for a term or terms not to exceed 40 years; to borrow money for use in making or paying for such improvements and facilities, secured by and on the credit only of the lease agreements in respect thereto, to pledge and assign such leases and lease agreements as security for loans herein authorized."

5. By striking out Section 7 (g) thereof and substituting in lieu thereof the following:

"(g) To issue bonds or other securities and obligations for the purpose of providing funds for the construction, maintenance, purchase, improvement and operation of the said airport, landing fields, runways thereon, or other facilities. The said bonds, if and when so issued, shall be denominated 'Raleigh-Durham Airport Authority Revenue Bonds' and shall be issued in such form and denomination and shall mature at such time or times, not exceeding 35 years after their date, and shall bear such rate of interest, not exceeding six per cent (6%) per annum, payable annually or semiannually, as the said Raleigh-Durham Airport Authority may determine. The bonds shall be signed by the Chairman of said Airport Authority and the corporate seal affixed or impressed upon each bond and attested by the Secretary of said Authority. The coupons to be attached to said bonds shall bear the facsimile signature of the Treasurer of the Authority. Such bonds, notes or securities issued for the purpose, or purposes above set out, shall be sold under the supervision and with the approval of the Local Government Commission.

"Bonds and notes issued under this Act shall be exempt from all State, Federal, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds or notes shall not be subject to taxation as income. The said bonds, notes or other security shall not be obligations of the County of Wake, the County of Durham, the City of Durham or the City of Raleigh, but the said Airport Authority is authorized and empowered to pledge the revenues, rents, income and tolls arising out of the use of any airport property or any specific part of said airport property until such time as the sums borrowed therefor are fully amortized and repaid. The said bonds or other securities which the said Airport Authority may incur shall be issued and incurred upon such other terms, covenants and conditions as the said Airport Authority may deem proper.

"The said bonds or other securities shall be issued and secured as provided for similar bonds by the Revenue Bond Act of One Thousand Nine Hundred and Thirty-Eight, which Act is made applicable to the Raleigh-Durham Airport Authority."

6. By striking out Section 7 (h) thereof and substituting in lieu thereof the following:

"(h) To expend funds appropriated from time to time by said municipalities and counties, jointly or severally, for joint airport purposes and to appropriate and expend for airport purposes funds received by it from fees, charges, rents and dues arising out of the operation of said airport, the facilities, improvements and concessions located thereat or operated thereon and from the sale of bonds or other securities herein authorized."

7. By adding another Section as follows:

"Sec. 10. The Raleigh-Durham Airport Authority is authorized and empowered to adopt and use a seal."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 915 CHAPTER 756

AN ACT TO AMEND G. S. 7-70 RELATING TO TERMS OF SUPERIOR COURT IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 which fixes terms of Superior Court to be held in Davidson County, is hereby amended by adding at the end thereof a new paragraph to read as follows:

"In addition to the above terms of court there shall be held in Davidson County the following terms of court: The sixth Monday before the first Monday in March, to continue one week for the trial of civil cases only; the second Monday after the first Monday in March, to continue one

week, for the trial of criminal and civil cases; the seventh Monday before the first Monday in September, to continue one week, for the trial of civil cases only; and the sixth Monday after the first Monday in September, to continue one week, for the trial of civil cases only. The Chief Justice shall assign a regular, special, or emergency judge to hold the terms of court set forth in this paragraph."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 922 CHAPTER 757

AN ACT RELATING TO THE PUNISHMENT FOR PUBLIC DRUNKENNESS IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-335 is hereby amended by adding a new subsection immediately following subsection 17, as it appears in the 1957 Cumulative Supplement to the General Statutes, to be numbered subsection 18, and to read as follows:

"18. In Beaufort County, for the first offense, by a fine of not more than ten dollars ($10.00), or imprisonment for not more than thirty (30) days; for the second offense within a period of twelve (12) months, by a fine of not more than fifty dollars ($50.00), or imprisonment for not more than sixty (60) days; for the third offense or greater within a period of twelve (12) months, the offense is declared to be a misdemeanor, punishable within the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 978 CHAPTER 758

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, which fixes the terms of Superior Court to be held in Buncombe County is hereby amended to read as follows:

"Buncombe—The eighth Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the sixth Monday

before the first Monday in March to continue three weeks for the trial of civil cases only, the third Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the first Monday before the first Monday in March to continue three weeks for the trial of civil cases only; the third Monday after the first Monday in March to continue three weeks for the trial of civil cases only; the sixth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the eighth Monday after the first Monday in March to continue three weeks for the trial of civil cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in March to continue three weeks for the trial of civil cases only; the fifth Monday before the first Monday in September to continue three weeks for the trial of civil cases only; the second Monday before the first Monday in September to continue two weeks for the trial of criminal cases only; the first Monday in September to continue three weeks for the trial of civil cases only; the third Monday after the first Monday in September to continue three weeks for the trial of civil cases only; the sixth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the eighth Monday after the first Monday in September to continue three weeks for the trial of civil cases only; the eleventh Monday after the first Monday in September to continue one week for the trial of civil cases only; the twelfth Monday after the first Monday in September to continue three weeks for the trial of civil cases only.

"In addition to the above terms of court there shall be held in the County of Buncombe the following terms of court: The second Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the second Monday after the first Monday in March to continue one week for the trial of civil cases only; the tenth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the fourteenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the eighth Monday before the first Monday in September to continue two weeks for the trial of criminal cases only; the sixth Monday before the first Monday in September to continue one week for the trial of civil cases only; the second Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the eleventh Monday after the first Monday in September to continue two weeks for the trial of criminal cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the terms of court set forth in this paragraph.

"The foregoing designation of terms of court 'for the trial of civil cases only' or 'for the trial of criminal cases only' shall serve to indicate the primary function of each such term of court, and cases for hearing or trial at such term shall be calendared and jury lists drawn accordingly; provided, at all said terms of court both civil and criminal actions may be tried."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 994 CHAPTER 759

AN ACT TO AMEND G. S. 118-7 RELATING TO THE DISBURSEMENT OF FUNDS BY TRUSTEES OF THE FIREMEN'S RELIEF FUND OF THE CITY OF ASHEVILLE IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 118-7, as the same appears in Replacement Volume 3B of the General Statutes, is hereby amended by adding at the end of said Section a proviso which shall read as follows:

"Provided, that the board of trustees duly appointed under G. S. 118-6 shall be required to pay over to the Asheville Firemen's Pension and Disability Fund on July 1st of each year all sums entrusted to said trustees in excess of the sum of ten thousand dollars ($10,000.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 1012 CHAPTER 760

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, which fixes the terms of Superior Court to be held in Perquimans County is hereby amended to read as follows:

"Perquimans—The fifth Monday before the first Monday in March to continue one week for the trial of civil cases only; the first Monday after the first Monday in March to continue one week for the trial of civil cases only; the sixth Monday after the first Monday in March; the eighth Monday after the first Monday in September."

Sec. 2. That portion of G. S. 7-70, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, which authorizes the Chief Justice to assign the judge holding the courts of the first judicial district to hold terms of court on certain specified weeks is hereby amended by deleting from line four thereof the words "the first Monday after the first Monday in March" and inserting in lieu thereof the words "the fourth Monday before the first Monday in March".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 1050 CHAPTER 761

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, which fixes the terms of Superior Court to be held in Pasquotank County is hereby amended to read as follows:

"Pasquotank—The eighth Monday before the first Monday in March to continue one week for the trial of civil cases only; the second Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the second Monday after the first Monday in March to continue one week for the trial of civil cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the fourteenth Monday after the first Monday in March to continue one week for the trial of civil cases only; the second Monday after the first Monday in September to continue one week for the trial of civil cases only; the sixth Monday after the first Monday in September to continue one week for the trial of civil cases only; the tenth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the thirteenth Monday after the first Monday in September to continue one week for the trial of civil cases only."

Sec. 2. That portion of G. S. 7-70, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, which authorizes the Chief Justice to assign the Judge holding the courts of the First Judicial District to hold terms of court for certain specified weeks is hereby amended by striking therefrom the words "the second Monday after the first Monday in March" beginning in line four and inserting in lieu thereof the following: "the third Monday before the first Monday in March, the fifteenth Monday after the first Monday in March". Said portion of G. S. 7-70 is hereby further amended by striking the period at the end, inserting in lieu thereof a comma and adding the words "and the fourteenth Monday after the first Monday in September.".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 1060 CHAPTER 762

AN ACT TO AMEND CHAPTER 1109 OF THE SESSION LAWS OF 1957 RELATING TO THE ISSUANCE OF WARRANTS AND RECEIPTS BY JUSTICES OF THE PEACE IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 5-1 of Chapter 1109 of the Session Laws of 1957 is amended by inserting after the comma following the word "Cabarrus" and before the word "Nash" in line 2 the word "Craven,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 1062 CHAPTER 763

AN ACT TO AMEND HOUSE BILL NO. 91 RELATING TO THE NATIONAL GUARD AND MILITIA OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. Section 19 of printed House Bill No. 91, is amended by inserting after the comma following the word "authorities" and before the word "incur", in line 6 of said Section, the words "received any injury, or".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

H. B. 1066 CHAPTER 764

AN ACT TO AUTHORIZE BOARDS OF EDUCATION TO PLEDGE NON-TAX REVENUES TO THE REPAYMENT OF LOANS FROM THE STATE LITERARY FUND.

The General Assembly of North Carolina do enact:

Section 1. Any county or city board of education obtaining a loan from the State Literary Fund under the provisions of G. S. 115-108.1 may, with the approval of the board of county commissioners, pledge to the repayment of such loan any available nontax revenues, including but not limited to, fines, penalties, and forfeitures.

Sec. 2. G. S. 115-108.1 is hereby amended by rewriting the fifth sentence thereof to read as follows: "The first installment of such loan, together with the interest then due, shall be paid by the county or city board of education on or before the tenth day of June in the fiscal year following the fiscal year in which the loan was made, and succeeding install-

ments, together with accrued interest, shall be paid one each on or before the tenth day of June of each successive fiscal year until all amounts due on said loan shall have been paid."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

S. B. 330 CHAPTER 765

AN ACT ENABLING THE COUNTY OF VANCE AND THE CITY OF HENDERSON TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES FOR THE CITIZENS OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the "Henderson Township Airport Authority", hereinafter referred to as the "Airport Authority", which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other powers and additional powers as shall be conferred upon it by future Acts of the General Assembly.

Sec. 2. The Airport Authority shall consist of five members, two of whom shall be resident voters of the City of Henderson, and three of whom shall be qualified voters and residents of the County of Vance at large. The two members from the City of Henderson shall be appointed by the City Council, and the three members from the County of Vance shall be appointed by the Board of County Commissioners of Vance County. The members of the Airport Authority shall be appointed to serve for a period of two years. Each of the members and their successors appointed biennially thereafter shall take and subscribe before the Clerk of the Superior Court of Vance County, an oath of office and file copies of the same with the County Commissioners of Vance County and the City Council of the City of Henderson.

Sec. 3. The members shall, for the purpose of doing business, constitute a board of directors which may adopt suitable bylaws for its management. The members of the board shall receive no compensation per diem or otherwise, but shall be allowed and paid their actual travel expenses incurred in transacting the business and at the instance of the said Airport Authority.

Sec. 4. The said Airport Authority shall constitute a body, both corporate and politic, and shall have the following powers and authority:

(1) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft within the limits of the County of Vance; and for any of such purposes, to own, hold, lease and operate real or personal property; to borrow money and to issue bonds and to secure

the same by mortgages, with the consent of the Vance County Commissioners and the Henderson City Council, upon any property held or to be held by it.

(2) Any lands acquired, owned, controlled, or occupied by said city and county, for the purposes enumerated herein, shall and are hereby declared to be acquired, owned, controlled and occupied for the public purpose, and said city and county shall have the right to acquire property for such purposes under the power of eminent domain.

(3) To sue or be sued in the name of said Airport Authority, to acquire by purchase and to hold lands for the purpose of constructing, maintaining or operating any airport within the limits of said county, and to make such contracts and to hold such personal property as may be necessary for the exercise of the powers of the said Airport Authority. The said Airport Authority may acquire by purchase, or otherwise, any existing lease, leasehold right or other interest in any existing airport located in the County of Vance.

(4) To charge and collect reasonable and adequate fees and rents for the use of the airport property or for services rendered in the operation thereof.

(5) To make all reasonable rules and regulations as it deems necessary for the proper maintenance and operation of the said airport and to provide penalties for the violation of such rules and regulations; provided, that said rules and regulations and schedules of fees be not in conflict with the laws of the State of North Carolina and the rules and regulations of the Civil Aeronautics Administration of the Federal Government.

(6) To issue bonds or other securities and obligations for the purpose of providing funds for such construction, maintenance and operation of the said airport facilities. The said bonds, if and when so issued, shall be denominated "Henderson Township Airport Authority Bonds", and shall be issued in such form and denomination and shall mature at such time or times, not exceeding fifty years after that date, and shall bear such rate of interest, not exceeding six per cent (6%) per annum, payable annually or semiannually, as the said Airport Authority may determine. The bonds shall be signed by the chairman of the said Airport Authority and the corporate seal affixed or impressed upon each bond, and attested by the secretary of the said board. The coupons to be attached to said bonds shall bear the facsimile signature of the chairman of the authority. Such bonds, notes or securities issued for the purpose or purposes above set out may be issued and sold with the approval of the County Commissioners of Vance County, but the sale shall be made under the provisions of the Municipal Finance Act of the State of North Carolina and with the approval of the Local Government Commission.

Bonds and notes issued under this Act shall be exempt from all State, Federal, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds or notes shall not be subject to taxation as income. The said bonds, notes or other security shall not be obligations of the County of Vance or the City of Henderson, but the said Airport Authority is authorized and empowered to pledge

the revenues, rents, income and tolls arising out of the use of any airport property or any specific part of said airport property until such time as the sums borrowed therefor are fully amortized and repaid. The said bonds or other securities which the said Airport Authority may incur shall be issued and incurred upon such other terms and conditions as the said Airport Authority may deem proper.

(7) To deal with the Civil Aeronautics Authority of the United States Government and any other representative of said Federal Government relative to the grading, constructing, equipping, improving, maintaining, and operating of airports or landing fields established under the authority of this Act.

Sec. 5. The Airport Authority is hereby authorized and empowered to acquire from the County of Vance or the City of Henderson, by agreement therewith, and such county and city are hereby authorized and empowered to grant and convey, either by gift or for such consideration as it may deem wise, any real or personal property which it now owns or may hereinafter be acquired, and which may be necessary for the construction, operation and maintenance of any airport located in the county of Vance.

Sec. 6. Any lands owned, acquired, controlled or occupied by the said Airport Authority shall, and are hereby declared to be acquired, owned, controlled and occupied for a public purpose.

Sec. 7. Private property needed by said Airport Authority for any airport or landing field may be acquired by gift or devise, or may be acquired by purchase.

Sec. 8. The Board of County Commissioners of Vance County shall be authorized and empowered, after posting notice at the courthouse and three other public places in the area in Vance County designated as Henderson Township, and by three weekly publications in a newspaper circulating in said township, to order a special election to be held at such time as they may fix to determine the will of the people of Henderson Township as to whether or not the County Commissioners shall levy a special annual tax of not to exceed ten cents (10¢) on each one hundred dollars ($100.00) of the assessed valuation of the taxable property within the said township.

The question of levying such special tax shall be submitted to the qualified voters of the Henderson Township at an election to be held as hereinbefore provided. The rate, or amount, of such tax, or taxes, for which a levy may be made hereunder shall be determined by the Board of County Commissioners of Vance County, but shall not exceed ten cents (10¢) on each one hundred dollars ($100.00) assessed valuation of the taxable property within the said Henderson Township.

A ballot shall be furnished to each qualified voter at said election, which ballot may contain the words "For Airport Authority Tax" (briefly stating any other pertinent information), and "Against Airport Authority Tax" (briefly stating any other pertinent information), with a square in front of each proposition, in one of which squares the voter may make an (X) mark; but any other form of ballot containing adequate information and properly stating the question to be voted upon shall be construed as being in compliance with this Section.

The election herein authorized shall be conducted by the County Board of Elections in the manner and under the same rules and provisions of law applicable to the holding of general elections so far as they may be applicable. The cost of holding said special election shall be paid by the county. The Board of Elections shall provide one or more polling places in said township, shall provide for a registrar or registrars and judges of election at said voting places, shall cause to be prepared the necessary ballots for voting at said election and shall conduct said election at such time as the Board of County Commissioners may direct. The election officers shall count the votes and make returns thereof to the County Board of Elections, who shall determine and declare the results of said election. The returns shall be made in duplicate, one copy to be filed with the County Board of Elections and the other to be filed with the Clerk of the Superior Court of Vance County. The County Board of Elections shall prepare a statement showing the number of votes cast for and against the Airport Authority Tax, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall transmit it to the Board of County Commissioners who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in said township.

If a majority of the qualified voters of Henderson Township in Vance County shall approve said tax levy, the Board of County Commissioners shall levy the tax so authorized, which shall be collected in the same manner as other taxes are collected, and the proceeds derived therefrom shall be paid over to the Henderson Airport Authority created under this Act and shall be expended by said Airport Authority for such purposes as will in the discretion of the governing body of the Airport Authority be deemed necessary for the establishment, development, and operation of the Airport Authority authorized under the provisions of this Act.

Sec. 9. The said Airport Authority shall make an annual report to the Vance County Commissioners, setting forth in detail the operations and transactions conducted by it pursuant to this Act. The said Airport Authority shall be regarded as the corporate instrumentality and agent for the County of Vance for the purpose of developing airport facilities in the County of Vance, but it shall have no power to pledge the credit of the County of Vance or the City of Henderson, or any subdivision thereof, or to impose any obligation upon the County of Vance or the City of Henderson, or any subdivision thereof, except and when such power is expressly granted by statute or the consent of the County of Vance and the City of Henderson.

Sec. 10. All rights and powers given to the counties or municipalities by the statutes of North Carolina which may now be in effect or to be enacted in the future relating to the development, regulation and control of municipal airports and the regulations of aircraft, are hereby vested in the said Airport Authority, and the County of Vance or the City of Henderson may delegate its powers under the said Acts to the Authority and

the Authority shall have concurrent right with the County of Vance and the City of Henderson to control, regulate and provide for the development of aviation in the County of Vance.

Sec. 11. The said Airport Authority is hereby authorized to employ such agents, engineers and attorneys and other persons whose services may be deemed necessary by the Airport Authority in carrying out the provisions of this Act. Members of the said Airport Authority shall not be personally liable, in any manner, for their acts as members of the Airport Authority, except for misfeasance or malfeasance.

Sec. 12. If any provisions of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1959.

S. B. 361 CHAPTER 766

AN ACT FIXING THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE PITT COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. In lieu of all other compensation and allowances, the chairman of the Pitt County Board of Education shall receive a monthly salary of forty dollars ($40.00), and in lieu of all other compensation and allowances, the other members of said board shall receive a monthly salary of twenty dollars ($20.00), all such salaries to be paid out of school funds.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1959.

S. B. 452 CHAPTER 767

AN ACT RELATING TO THE TAKING OF SHRIMP IN BRUNSWICK AND PENDER COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any of the provisions of Senate Bill No. 22, ratified on the 5th day of May, 1959, the provisions of G. S. 113-136, as the same appears in the 1957 Supplement to the General Statutes, shall apply to the taking of shrimp in the coastal waters of Brunswick and Pender Counties which lie North and northwest of the northern edge of the Intercoastal Waterway.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1959.

H. B. 99 CHAPTER 768

AN ACT AMENDING SUBSECTION (b) OF G. S. 55-67 SO AS TO ALLOW THE VOTING, BY AN INDEPENDENT TRUSTEE APPOINTED BY THE RESIDENT JUDGE, OF STOCK HELD IN A FIDUCIARY CAPACITY.

The General Assembly of North Carolina do enact:

Section 1. That subsection (b) of §55-67, as the same appears in the 1957 Cumulative Supplement to Volume 2B of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"When shares of its own stock are held by a corporation directly or indirectly in a fiduciary capacity, said shares of stock may be voted by an independent and disinterested trustee appointed by the resident judge by order duly entered pursuant to a duly verified petition filed by the fiduciary and showing the necessity for voting such stock, and after proper notice to each of the beneficiaries. The resident judge shall not give continuing permission to the voting of such stock."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1959.

H. B. 158 CHAPTER 769

AN ACT TO PROHIBIT THE USE OF PROFANE OR THREATENING LANGUAGE TO ANY PERSON OVER A TELEPHONE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 14 of the General Statutes is amended by adding a new Section immediately following G. S. 14-196.1 to be designated as G. S. 14-196.2 and to read as follows:

"G. S. 14-196.2. It shall be unlawful for any person, without revealing his or her true identity, to threaten any other person over the telephone with violent personal injury or destruction of property. It shall also be unlawful for any person, without revealing his or her true identity, to use such vulgar, obscene or lewd language over the telephone, which if published would bring such person into public contempt and disgrace. The violation of the provisions of this Section shall be a misdemeanor, punishable in the discretion of the court."

Sec. 2. This Act shall be in addition to all existing laws with reference to using profane, vulgar or indecent language over the telephone.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1959.

H. B. 393 CHAPTER 770

AN ACT WHEREBY THE GROWERS OF IRISH POTATOES MAY REGULATE THE GRADE AND SIZE OF IRISH POTATOES ENTERING INTERSTATE COMMERCE.

WHEREAS, the North Carolina Potato Association, Incorporated, an organization of potato growers established under the General Statutes of North Carolina, Article 50, Chapter 106 (as amended 1957), in a survey of its membership has found that the majority of such members are of the opinion that low-grade and small-size Irish potatoes now allowed to enter interstate commerce is detrimental to the industry as a whole and that the shipping of such potatoes tends to lower the consumption of North Carolina potatoes in that such low grade and small size are unattractive and undesirable to the consuming public; and

WHEREAS, such growers or producers are desirous of provisions whereby they, as producers, may in referendum determine the minimum grade and size of potatoes (based on U. S. Grades and Standards) which shall lawfully be allowed to enter interstate commerce: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Chapter 106 of the General Statutes of North Carolina is hereby amended by adding a new Article immediately following Article 51, to be designated as Article 52, and to read as follows:

"G. S. 106-580. Administrative Committee; Establishment and Membership. The duly elected board of directors of the North Carolina Potato Association, Incorporated, as set forth in the Constitution and bylaws of said Association, shall be the Administrative Committee of this Act, and the same is hereby established.

"G. S. 106-581. Duties of Administrative Committee. The Administrative Committee shall have the following duties with respect to enforcement of this Act:

"1. To hold, or cause to be held among qualified producers of Irish potatoes in the herein designated counties a referendum to determine the minimum size and grade standard of potatoes of which it shall be lawful to enter into interstate commerce.

"2. To determine such minimum size and grade standards as established in said referendum at least twenty (20) days prior to June first of each marketing year; provided, however, the provisions of this subsection shall not apply to the year 1959.

"3. To enforce such minimum size and grade standards of Irish potatoes entering interstate commerce by causing inspection of certain lots of

potatoes by the Federal-State Inspection Service or by other means as may be determined by said Administrative Committee.

"G. S. 106-582. Exemption of Certain Producers. The committee may adopt, subject to the approval of the Commissioner of Agriculture, the procedures by which certificates of exemption will be issued to producers.

"The committee may cause to be issued certificates of exemption to any producer who furnishes adequate evidence to the committee that by reason of a regulation issued pursuant to this Section he will be prevented from shipping as large a proportion of his production as the average of all producers in said producer's district, township, or magisterial district. The committee shall be permitted at any time to make a thorough investigation of any producer's claim pertaining to exemptions. Such certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificates may be transferred with such potatoes at time of sale.

"If any producer is dissatisfied with the determination by the committee with respect to the producer's application for an exemption certificate, said producer may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any producer filing an appeal shall furnish evidence satisfactory to the committee, for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination, concerning the certificate of exemption to be granted. The committee shall notify the appellant of the final determination and shall furnish the Commissioner of Agriculture with a copy of the appeal and a statement of considerations involved in making the final determination.

"The Commissioner of Agriculture shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this Section.

"G. S. 106-583. Issuance of Regulations. Whenever the committee finds, from the result of aforesaid referendum, that growers desire to prohibit shipment of potatoes below certain specified minimum grades, or smaller than certain specified minimum sizes, or both, such findings shall be made known to the Commissioner of Agriculture and he shall cause to be issued such regulations as would make effective the provisions of the referendum, such regulations to be publicly declared at least ten (10) days prior to June first of the marketing year; provided, the requirement for publication by June first of the regulations required herein does not apply to the year 1959.

"G. S. 106-584. Modification of Suspension of Regulations. The committee may recommend to the Commissioner the temporary modification or suspension of such regulation of minimum standards provided for or established pursuant hereto. If the Commissioner finds, upon the basis of such recommendation and information, or upon the basis of other available information, that to modify or suspend such regulation relating to minimum standards of quality and size will tend to effectuate the declared policy of this Act, he shall so modify or suspend such regulation for a specified period of time.

"G. S. 106-585. Referendum. Any referendum held pursuant hereto shall be in accordance with the provisions set forth in paragraphs 106-556 through paragraphs 106-563 of Article 50, Chapter 106 (as amended 1957) General Statutes of North Carolina, except that the provision of public notice provided in paragraphs 106-562 shall be thirty (30) days instead of stipulated sixty (60) days.

"G. S. 106-586. Cooperation of State Agencies. Upon the recommendation of the Administrative Committee and approval of the Commissioner of Agriculture, the Federal-State Inspection Service and the Department of Motor Vehicles, through the Highway Patrol and weighing stations, are hereby authorized to render assistance to the committee or its representative in making such inspections of vehicles carrying potatoes as may be necessary to accomplish the declared purpose of this Act.

"G. S. 106-587. Limitation of Regulations. Subject to application and approval of the Administrative Committee, potatoes which do not meet the requirements that may be established under provisions herein may be shipped for certain designated purposes. The committee shall prescribe adequate safeguards to prevent potatoes shipped under this provision from entering interstate commerce contrary to the stated purpose.

"G. S. 106-588. Act Limited to Designated Production Areas. The provisions of this Article shall be limited to the following counties: Beaufort, Camden, Currituck, Hyde, Pasquotank, Pitt, Tyrrell and Wayne.

"G. S. 106-589. Violation a Misdemeanor. Any person, firm or corporation who shall violate any provision of this Article or any rule or regulation duly established by authority of this Article shall be guilty of a misdemeanor punishable by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or by imprisonment for not more than thirty (30) days or both, in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1959.

H. B. 924 CHAPTER 771

AN ACT RELATING TO THE OPERATION OF MOTOR BOATS AND OTHER CRAFT ON CERTAIN WATERS IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of Section 2 of Chapter 590 of the Session Laws of 1957 is rewritten to read as follows:

"Sec. 2. The following rules for the operation of boats on the northeast Cape Fear River and the Black River in Pender County are established:".

Sec. 2. Subparagraph (d) of Section 2 Chapter 590 of the Session Laws of 1957 is rewritten to read as follows: "(d) The Sheriff of Pender County may regulate the speed of boats on said water, provided that said speed shall not exceed five (5) miles per hour."

Sec. 3. Subparagraph (e) of Section 2 of Chapter 590 of the Session Laws of 1957 is deleted.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1959.

S. B. 377 CHAPTER 772

AN ACT TO PROHIBIT THE SALE OF BEER, WINE AND ALL OTHER ALCOHOLIC BEVERAGES WITHIN TWO AND ONE-HALF MILES OF THE GLADE VALLEY SCHOOL, INCORPORATED, IN ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm or corporation to sell, or possess for the purpose of sale, beer, wine or other alcoholic beverages within two and one-half (2½) miles in each direction of the Glade Valley School, Incorporated, the same being a Christian school for boys and girls, located at Glade Valley, North Carolina, in Alleghany County.

Sec. 2. Any person, firm or corporation violating the provisions of Section 1 of this Act shall be guilty of a misdemeanor and, upon a plea of guilty or conviction, shall be fined or imprisoned, or both, in the discretion of the court.

Sec. 3. This Act shall apply only to the locality herein described in Alleghany County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

S. B. 388 CHAPTER 773

AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF COMMISSIONERS OF BRUNSWICK COUNTY FROM THREE TO FIVE MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 299 of the Public-Local Laws of 1933 is hereby repealed.

Sec. 2. The Board of County Commissioners of Brunswick County shall consist of five members to be elected at large instead of the three members as presently constituted.

Sec. 3. At the general election to be held in the year 1960 and biennially thereafter there shall be elected in Brunswick County by the qualified

voters thereof a board of county commissioners consisting of five members who shall serve for a term of two years from the first Monday in December after their election or until their successors are elected and qualified; provided, only one member of the Board of County Commissioners of Brunswick County shall be from any one township of said county.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

S. B. 409 CHAPTER 774

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FUQUAY SPRINGS SO AS TO PROVIDE DIFFERENT ELECTION DATES FOR MUNICIPAL OFFICERS AND TO PROVIDE FOUR-YEAR TERMS OF OFFICES FOR TOWN COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 167 of the Private Laws of 1915 is hereby rewritten to read as follows:

"The officers of said town shall consist of a mayor and five commissioners who shall be elected at large by the qualified voters of the Town of Fuquay Springs. The election of such officers shall be held on Tuesday after the first Monday in May, 1961, and biennially thereafter. The mayor shall serve for a period of two years or until his successor is duly elected and qualified. The commissioners shall serve for a period of four years; provided, however, that at the municipal election to be held on Tuesday after the first Monday in May, 1961, the two commissioners receiving the highest number of votes shall serve for terms of four years and the three commissioners receiving the next highest number of votes shall serve for a term of two years. Thereafter, as their terms of office expire, the commissioners shall be elected for terms of four years and serve until their successors are elected and qualified."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

S. B. 435 **CHAPTER 775**

AN ACT AMENDING CHAPTER 324, SESSION LAWS OF 1955, SO AS TO FIX THE FEES TO BE CHARGED BY THE SHERIFF OF WAKE COUNTY AND THE CONSTABLES OF THE VARIOUS TOWNSHIPS IN SAID COUNTY FOR SERVING CIVIL SUMMONS.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 324, Session Laws of 1955, be and the same is hereby amended by rewriting line 6 thereof to read as follows:

"For Serving Civil Summons, except in ejectment proceedings, for one defendant, $2.00

For each additional defendant, $1.50."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

S. B. 449 **CHAPTER 776**

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF EDUCATION IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The members of the Board of Education in Granville County shall each receive the sum of ten dollars ($10.00) per day for attending meetings of the board, and in addition thereto, shall receive mileage at the rate of seven cents (7¢) per mile in going to and returning from meetings of the board.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

S. B. 450 **CHAPTER 777**

AN ACT TO AMEND CHAPTER 1145 OF THE SESSION LAWS OF 1951 RELATING TO JAIL FEES FOR THE TOWN OF CREEDMOOR IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 2 of Chapter 1145 of the Session Laws of 1951 is stricken out and the following is substituted in lieu thereof:

"Jail fee, each person, two dollars ($2.00) per day."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

S. B. 455 CHAPTER 778

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO PROMULGATE ORDINANCES REQUIRING THE OWNERS OF PROPERTY TO REMOVE ANY WEEDS, UNDERGROWTH, DEBRIS, TRASH OR OTHER OFFENSIVE MATTER OR THING.

The General Assembly of North Carolina do enact:

Section 1. The Council of the City of High Point is hereby authorized and empowered, in its discretion, to promulgate ordinances, rules and regulations requiring the owner of any property on which there exists any debris, garbage, litter, weeds, undergrowth, trash or other offensive matter or thing to remove the same. If after due notice and an opportunity to be heard, the owner fails or refuses to remove such debris, garbage, litter, weeds, undergrowth, trash or other offensive matter or thing, the City of High Point is hereby authorized and empowered to cause the same to be removed and the cost of removal shall become a lien upon the property from which such removal occurred.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 33 CHAPTER 779

AN ACT TO CREATE A STATE DEPARTMENT OF WATER RESOURCES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 143 of the General Statutes is hereby amended by adding thereto a new Article immediately following Article 37 of said Chapter, to be designated Article 38 and to read as follows:

Article 38. Department of Water Resources.

143-348. Short Title. This Article may be cited as the Department of Water Resources Act.

143-349. Department of Water Resources Created. There is hereby created the Department of Water Resources.

143-350. Definitions as used in this Article:

"Department" means the Department of Water Resources, unless the context otherwise requires.

"Board" means the Board of Water Resources unless the context otherwise requires.

"Person" shall mean any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized or existing under the laws of this State or any other state or country.

143-351. Declaration of Policy. It is hereby declared that the general welfare and public interest require that the water resources of the State be put to beneficial use to the fullest extent of which they are capable.

143-352. Purpose of the Article. The purpose of this Article is to create a State agency to coordinate the State's water resource activities; to devise plans and policies and to perform the research and administrative functions necessary for a more beneficial use of the water resources of the State, in order to insure improvements in the methods of conserving, developing and using those resources.

143-353. Board of Water Resources:

Composition, Powers, Appointment of Director.

(a) The Department shall be governed by a Board of Water Resources to consist of seven members to be appointed by the Governor. Except as otherwise expressly provided in this Article, the Board shall direct the exercise of all the functions of the Department. Of the initial appointees, three shall serve terms of two years each; two, terms of four years each; and two, terms of six years each. Thereafter all appointments shall be for six-year terms. The Governor shall designate a chairman from among the members of the Board and, by appointment to the unexpired term, shall fill all vacancies occurring otherwise than by expiration of term.

(b) Within thirty days after the appointment of the initial Board members, the Governor shall call an organizational meeting of the Board. At such meeting and annually thereafter the Board shall elect one of its members to serve as secretary. Each Board member, while in performance of the duties of his office shall receive for his services ten dollars ($10.00) per day and regular State travel expenses.

The Board shall meet regularly, at least once every six months, at places and dates to be determined by the Board. Special meetings may be called by the chairman on his initiative, and must be called by him at the request of two or more members of the Board. All the members shall be notified by the chairman in writing of the time and place of regular and special meetings at least seven days in advance of such meeting. Five members shall constitute a quorum.

(c) With approval of the Governor, the Board shall appoint a full-time Director to serve at the pleasure of the Board. The salary of the Director shall be set by the Governor subject to the approval of the Advisory Budget Commission. The Director shall serve as administrative officer of the Board; shall direct and supervise the work of the Department in accordance with the policies of the Board; shall appoint all employees of the Department in accordance with the provisions of the State Personnel Act and Executive Budget Act; may employ consultants as he deems necessary subject to the Executive Budget Act and approval of the Board; and shall perform such other functions as are delegated to him by the Board.

(d) The Board shall organize the work of the Department into two or more divisions and other units. These shall include:

(i) A Division of Water Pollution Control as provided for in G. S. 143-356;

(ii) A Division of Navigable Waterways to perform the administrative and staff work incidental to the carrying out of the provisions of G. S. 143-355 (b) and (d) of this Article; and

(iii) Such other divisions and units as the Board deems necessary.

The Board may appoint one or more advisory committees whose membership may include, among others, representatives from other State Departments and agencies. The members of any such advisory committee shall serve without compensation but shall receive regular State subsistence and travel expenses during performance of their duties.

143-354. Ordinary Powers and Duties of the Board. (a) Except as otherwise specified in this Article, the powers and duties of the Board shall be as follows:

(1) The Board shall carry out a program of planning and education concerning the most beneficial long-range conservation and use of the water resources of the State.

(2) The Board shall advise the Governor as to how the State's present water research activities might be coordinated.

(3) The Board, based on information available, shall notify any municipality or other governmental unit of potential water shortages or emergencies foreseen by the Board affecting the water supply of such municipality or unit together with the Board's recommendations for restricting and conserving the use of water or increasing the water supply by or in such municipality or unit. Failure reasonably to follow such recommendations shall make such municipality or other governmental unit ineligible to receive any emergency diversion of waters as hereinafter provided.

(4) The Board is authorized to call upon the Attorney General for such legal advice as is necessary to the functioning of the Board.

(5) Recognizing the complexity and difficulties attendant upon the recommendation to the General Assembly of fair and beneficial legislation affecting the use and conservation of water, the Board shall solicit from the various water interests of the State their suggestions thereon.

(6) The Board may hold public hearings for the purpose of obtaining evidence and information and permitting discussion relative to water resources legislation and shall have the power to subpoena witnesses therefor.

(7) All recommendations for proposed legislation made by the Board shall be available to the public.

(8) The Board shall adopt such rules and regulations as may be necessary to carry out the purposes of this Article.

(9) Any member of the Board or any person authorized by it, shall have the right to enter upon any private or public lands or waters for the purpose of making investigations and studies reasonably necessary

in the gathering of facts concerning streams and watersheds, subject to responsibility for any damage done to property entered.

(b) Declaration of water emergency. Upon the request of the governing body of a county, city or town the Board shall conduct an investigation to determine whether the needs of human consumption, necessary sanitation and public safety require emergency action as hereinafter provided. Upon making such determination, the Board shall conduct a public hearing on the question of the source of relief water after three days' written notice of such hearing has been given to any persons having the right to the immediate use of water at the point from which such water is proposed to be diverted. After determining the source of such relief water the Board shall then notify the Governor and he shall have the authority to declare a water emergency in an area including said county, city or town and the source or sources of water available for the relief hereinafter provided; provided, however, that no emergency period shall exceed thirty days but the Governor may declare any number of successive emergencies upon request of the Board.

(c) Water emergency powers and duties of the Board. Whenever, pursuant to this Article, the Governor has declared the existence of a water emergency within a particular area of the State, the Board shall have the following duties and powers to be exercised only within said area and only during such time as the Governor has, pursuant to this Article, designated as the period of emergency:

(1) To authorize any county, city or town in which an emergency has been declared to divert water in the emergency area sufficient to take care of the needs of human consumption, necessary sanitation and public safety. Provided, however, there shall be no diversion of waters from any stream or body of water pursuant to this Article unless the person controlling the water or sewerage system into which such waters are diverted shall first have limited and restricted the use of water in such water or sewerage system to human consumption, necessary sanitation and public safety and shall have effectively enforced such restrictions. Diversion of waters shall cease upon the termination of the water emergency or upon the finding of the Board that the person controlling the water or sewerage system using diverted waters has failed to enforce effectively the restrictions on use to human consumption and necessary sanitation and public safety. In the event waters are diverted pursuant to this Article, there shall be no diversion to the same person in any subsequent year unless the Board finds as fact from evidence presented that the person controlling the water or sewerage system has made reasonable plans and acted with due diligence pursuant thereto to eliminate future emergencies by adequately enlarging such person's own water supply.

(2) To make such reasonable rules and regulations governing the conservation and use of diverted waters within the emergency area as shall be necessary for the health and safety of the persons who reside within the emergency area; and the violation of such rules and regula-

tions during the period of the emergency shall constitute a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year or both within the discretion of the court; provided, however, that before such rules and regulations shall become effective, they shall be published in not less than two consecutive issues of not less than one newspaper generally circulated in the emergency area.

(d) Temporary rights of way. When any diversion of waters is ordered by the Board pursuant to this Article, the person controlling the water or sewerage system into which such waters are diverted is hereby empowered to lay necessary temporary water lines for the period of such emergency across, under or above any and all properties to connect the emergency water supply to an intake of said water or sewerage system. The route of such water lines shall be prescribed by the Board.

(e) Compensation for water allocated during water emergency and temporary rights of way. Whenever the Board, pursuant to this Article has ordered any diversion of waters, the person controlling the waters or sewerage system into which such waters are diverted shall be liable to all persons suffering any loss or damage caused by or resulting from the diversion of such waters or caused by or resulting from the laying of temporary water lines to effectuate such diversion. The Board, before ordering such diversion, shall require that the person against whom liability attaches hereunder to post bond with a surety approved by the Board in an amount determined by the Board and conditioned upon the payment of such loss or damage.

Sec. 2. That Article 34 of Chapter 143 of the General Statutes is hereby repealed.

Sec. 3. Add a new Section to be designated G. S. 143-355 to read as follows:

"143-355. Transfer of Certain Powers, Duties, Functions and Responsibilities of the Department of Conservation and Development and of the Director of said Department.

(a) There are hereby transferred to the Department of Water Resources those powers, duties, functions and responsibilities relating to water resources now vested in the Department of Conservation and Development of the State of North Carolina, and the Director thereof; that G. S. 113-3 (b), G. S. 113-8.1, G. S. 113-27, and G. S. 113-415 through 113-419, be and the same are hereby repealed.

(b) It shall be the duty of the Department of Water Resources to perform the following functions:

(1) To request the North Carolina Congressional Delegation to apply to the Congress of the United States whenever deemed necessary for appropriations for protecting and improving any harbor or waterway in the State and for accomplishing needed flood control and shore-erosion prevention.

(2) To initiate, plans, and execute a long-range program for the preservation, development and improvement of rivers, harbors, and inland ports, and to promote the public interest therein.

(3) To prepare and recommend to the Governor and the General Assembly any legislation which may be deemed proper for the preservation and improvement of rivers, harbors, dredging of small inlets, provision for safe harbor facilities, and public tidewaters of the State.

(4) To make engineering studies, hydraulic computations, hydrographic surveys, and reports regarding shore-erosion projects, dams, reservoirs, and river-channel improvements; to develop, for budget and planning purposes, estimates of the costs of proposed new projects; to prepare bidding documents, plans, and specifications for harbor, coastal, and river projects; and to inspect materials, workmanship, and practices of contractors to assure compliance with plans and specifications.

(5) To cooperate with the United States Army Corps of Engineers in causing to be removed any wrecked, sunken or abandoned vessel or unauthorized obstructions and encroachments in public harbors, channels, waterways, and tidewaters of the State.

(6) To cooperate with the United States Coast Guard in marking out and establishing harbor lines and in placing buoys and structures for marking navigable channels.

(7) To cooperate with the United States Army Corps of Engineers in planning and developing navigation, flood-control, hurricane-protection, and shore-erosion-prevention projects.

(8) To provide professional advice to public and private agencies, and to citizens of the State, on matters relating to tidewater development, river works, and watershed development.

(9) To discuss, with Federal, State, and municipal officials and other interested persons, a program of development of rivers, harbors, and related resources.

(10) To make investigations and render reports requested by the Governor and the General Assembly.

(11) To participate in activity of the National Rivers and Harbors Congress, the American Shore and Beach Preservation Association, the American Watershed Council, the American Water Works Association, the American Society of Civil Engineers, the Council of State Governments, the Conservation Foundation, and other National agencies concerned with conservation and development of water resources.

(12) To prepare and maintain climatological and water-resources records and files as a source of information easily accessible to the citizens of the State and to the public generally.

(13) To formulate and administer a program of dune rebuilding, hurricane protection, and shore-erosion prevention.

(14) To include in the biennial budget the cost of performing the additional functions indicated above.

(c) Application to use waters for irrigation; investigation and approval of plan and survey. Any person, firm, or corporation utilizing waters of North Carolina taken from the streams, rivers, creeks or lakes of the State in such amount as to substantially reduce the volume or flow thereof for the purpose of irrigation shall before utilizing this resource in this manner make application to the Director of the De-

partment of Water Resources for a permit for such use. Such person, firm, or corporation shall file with the Department of Water Resources a proposed irrigation plan and survey. The Director of Water Resources is hereby authorized to investigate such a plan as to safety and public interest and to approve plans and specifications and issue permits.

(d) Investigation of coasts, ports and waterways of State. The Department of Water Resources is designated as the official State agency to investigate and cause investigations to be made of the coasts, ports and waterways of North Carolina and to cooperate with agencies of the Federal and State Government and other political subdivisions in making such investigations. Provided, however, that the provisions of this Section shall not be construed as in any way interfering with the powers and duties of the Utilities Commission, relating to the acquiring of rights of way for the Intra-Coastal Waterway; or to authorize the Department of Water Resources to represent the State in connection with such duties.

(e) Registration with Department of Water Resources required; registration periods. Every person, firm or corporation engaged in the business of drilling, boring, coring or constructing wells in any manner with the use of power machinery in this State, shall register annually with the North Carolina Department of Water Resources on forms to be furnished by the said Department. The registration required hereby shall be made during the period from July 1 to July 31 or during the period from January 1 to January 31 of each year.

(f) Samples of cuttings to be furnished the Department of Water Resources when requested; requirements for samples; analysis of samples; furnishing information with regard to analysis. Every person, firm or corporation engaged in the business of drilling, boring, coring or constructing wells in any manner by the use of power machinery shall furnish the Department of Water Resources samples of cuttings from such depths as the Department may require from all wells drilled or constructed by said person, firm or corporation, when such samples are required specifically from any well by the Department of Water Resources. These samples shall be approximately one-half pound in weight and shall be shipped to the Department of Water Resources by express or parcel post collect in sample bags to be furnished by said Department. The Department of Water Rsources shall, after an analysis of the samples submitted, furnish a copy of such analysis to the owner of the property on which the well was constructed and shall report on such copy to said owner the presence of all minerals and petroleums in said samples; the Department of Water Resources shall not report the presence of any such minerals to any other person whatsoever until more than one year after said report shall have been furnished to the owner of said property.

(g) Additional information to be furnished Department of Water Resources by drillers when requested; copy of report to be furnished landowner. Each person, firm or corporation engaged in the business of drilling, boring, coring, or constructing wells with power machinery

within the State of North Carolina shall, when requested by the Department of Water Resources, furnish to said Department on forms to be provided by the said Department, information as to the size, depth, yield (measured in gallons per minute), method of testing, length of test, drawdown in feet, number of feet of casing used, and how the well is finished (whether screened or with open end). The information required to be submitted under this Section shall be submitted when a well is completed, but only if said information is requested by the Department of Water Resources specifically from the driller. The person, firm or corporation making such report to the Department of Water Resources shall at the time such report is made also furnish a copy thereof to the owner of the property on which the well was constructed.

(h) Drillings for petroleum and minerals excepted. The provisions of this Article shall not apply to drillings for petroleum and minerals.

(i) Penalty for violation. Any person violating the provisions of subsections (e), (f) and (g) of Section 143-355 shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of fifty dollars ($50.00). Each violation shall constitute a separate offense.

(j) There are also transferred to the Department of Water Resources the duties of the Board of Conservation and Development, as set forth in G. S. 113-8, to make investigations of water supplies and water powers, prepare and maintain a general inventory of the water resources of the State and take such measures as it may consider necessary to promote their development; and to supervise, guide, and control the performance of the duties set forth in subsection (b) of this Section and to hold hearings with regard thereto. In connection with administration of the well drilling law the Department of Conservation and Development shall, if requested by the Department of Water Resources, prepare analyses of well cuttings for mineral and petroleum content."

Sec. 4. Add a new Section to be designated G. S. 143-356 to read as follows:

"G. S. 143-356. Continuation of Stream Sanitation Committee, Division of Water Pollution Control and Director of Division within Department of Water Resources:

(a) The State Stream Sanitation Committee as provided for by Article 21, Chapter 143 G. S., as amended is hereby transferred to and continued within the State Department of Water Resources without change in its powers, duties, responsibilities and functions.

(b) The Division of Water Pollution Control of the State Board of Health and the office of Director of such Division as provided for in G. S. 143-214 are hereby transferred to and continued within the Department of Water Resources as the Division of Water Pollution Control of the Department of Water Resources. The Board of Water Resources may transfer additional functions to the said Division and Director and may revise their titles appropriately to reflect any such transfer of functions.

(c) Subsection (c) of G. S. 143-214 is amended by rewriting said Section to read as follows:

The Department of Water Resources as administrative agent of State Stream Sanitation Committee. The Department of Water Resources through its Division of Water Pollution Control, shall be the administrative agent of the State Stream Sanitation Committee, and subject to the general policies of the Committee, shall make such inspections, conduct such investigations, and do such other things as may be necessary to carry out the provisions of Article 21 of Chapter 143 of the General Statutes. The Attorney General shall act as attorney for the Committee, and shall initiate actions in the name of, and at the request of, the Committee.

(d) Subsection (d) of G. S. 143-214 is amended by rewriting said Section as follows:

Division of Water Pollution Control. The Division of Water Pollution Control shall be responsible for administering the provisions of Article 21 of Chapter 143 and shall be responsible for performing such other duties relating to the control of municipal, institutional, and industrial sewerage and waste collection and disposal systems as may be assigned to it by the Board of Water Resources. The Director of such Division shall be selected by the Board of Water Resources from nominees acceptable to both the Board and the Committee. He shall be a well-qualified sanitary engineer, fully trained and experienced in the field of waste disposal. He shall: (1) Serve as administrative officer and secretary of the Committee and shall attend all meetings of the Committee, without voting power, and shall keep an accurate and complete record of all meetings, hearings, correspondence, laboratory studies, and technical work, and shall make these records available for public inspection at all reasonable times; (2) review and approve plans, specifications and other such documents as may be required in connection with applications filed for certificates of approval, permits, or other documents of approval under the provisions of this Article; and (3) perform such other related duties as the Committee or Board of Water Resources may from time to time direct."

Sec. 5. Add a new Section to be designated as G. S. 143-357 to read as follows:

"143-357. Transfer of Property, Records, and Appropriations.

(a) In connection with the transfers made by G. S. 143-354, 143-355 and 143-356 all records, property, supplies, equipment, personnel, funds, credits, appropriations, quarterly allotments and executory contracts of the State Board of Water Commissioners, the State Stream Sanitation Committee, the Division of Water Pollution Control of the State Board of Health and of the affected divisions of the Department of Conservation and Development are hereby transferred to the Department of Water Resources, effective July 1, 1959. In the case of the Division of Water Pollution Control the records transferred shall include, among other things, all plans and specifications upon the basis of which documents of approval have been issued under the authority of

Article 21 of this Chapter. The transfers directed by this subsection shall be made under the supervision of the Governor, and he shall be the final arbiter of all differences and disputes arising incident to such transfers.

(b) Insofar as practical the expenses necessary to carry out the provisions of this Act shall, during the 1959-1961 biennium, be provided out of appropriations made to the presently existing agencies whose functions are to be transferred to the Department of Water Resources; and in the event additional funds are necessary to carry out the provisions of this Act, the Governor, with the approval of the Council of State, is hereby authorized to appropriate such additional funds from the Contingency and Emergency Fund.

(c) No transfer of functions to the Department of Water Resources provided for in this Article shall affect any action, suit proceeding, prosecution, contract, lease or other transaction involving such a function which was initiated, undertaken or entered into prior to or pending the time of the transfer, but (except in the case of the Stream Sanitation Committee) the Department shall be substituted for the agency from which the function was transferred and so far as practicable the procedure provided for in this Article shall be employed in completing or disposing of the matter."

Sec. 6. Add a new Section to be designated G. S. 143-358 to read as follows:

"143-358. Cooperation of State Officials and Agencies. All State agencies and officials shall cooperate with and assist the State Board of Water Resources in enforcing and carrying out the provisions of this Article and the rules, regulations and policies adopted by the Board pursuant thereto."

Sec. 7. Add a new Section to be designated G. S. 143-359 to read as follows:

"143-359. Biennial Reports of Board of Water Resources. The Board shall file with the Governor and the General Assembly a biennial report summarizing the activities of the Department for the preceding two years and recommending changes deemed necessary in laws, policies and administrative organization for a more beneficial use of the State's water resources.

Sec. 8. The following amendments are hereby made to Article 21, Chapter 143 of the General Statutes, to bring it into conformity with this Act:

(a) The words "State Board of Health" shall be stricken from line 2 of G. S. 143-212(1) and line 3 of G. S. 143-213(a) and the words "Department of Water Resources" shall be substituted in lieu thereof.

(b) The words "State Board of Health" shall be stricken from line 3 of G. S. 143-215.3(a)(4) and the words "Board of Water Resources" shall be substituted in lieu thereof.

(c) G. S. 143-213(a) is amended by striking therefrom in lines 5-7 thereof the words "nine members as follows: The chief engineer of the State Board of Health, ex officio, the chief engineer of the Water Re-

sources and Engineering Division of the Department of Conservation and Development, ex officio, and."

(d) The title line of G. S. 143-214 is rewritten to read as follows: "Organization of Committee; Meetings".

(e) G. S. 143-215.3(c) is rewritten to read as follows:

"(c) Relation with the Federal Government. The Committee as official agency for the State is delegated to act in local administration of all matters covered by Public Law 660, 84th Congress, as amended, and future legislation by Congress relating to water quality."

(f) G. S. 143-215.1(a)(5) is rewritten to read as follows:

"(5) Change the nature of the sewage, industrial waste, or other wastes discharged through any existing outlet or processed in any existing disposal system in any way which would adversely affect the condition of the receiving water within such watershed in relation to any of the standards applicable to such water: Unless such person shall have applied to the Committee for and shall have received from the Committee a permit therefor and shall have complied with such conditions, if any, as are prescribed by such permit, and in this connection no such permit shall be granted for the disposal of sewage or industrial wastes into waters classified as sources of public water supply, or into unclassified waters used as sources of public water supply where the State Board of Health determines and advised the Committee that such disposal is sufficiently close to the source of the public water supply as to have an adverse effect thereon, until the Committee has referred the complete plans and specifications to the State Board of Health and said Board advises the Committee in writing that same are approved in accordance with the provisions of G. S. 130-161. In any case where the Committee denies a permit, it shall state in writing the reason for such denial and shall also state the Committee's estimate of the changes in the applicant's proposed activities or plans which will be required in order that the applicant may obtain a permit. If any person has obtained the approval of the State Board of Health for the construction, alteration, or change of any disposal system and a contract has been entered into for the construction thereof, or construction has been begun thereon, or a bond election has been authorized therefor, prior to the effective date applicable to any watershed in which such disposal system is located, such person shall not be required to obtain a permit from the Committee with respect to such construction, alteration or changes."

Sec. 9. The following amendments are hereby made to Article 13 of Chapter 130 of the General Statutes:

(a) G. S. 130-159 is amended by adding thereto at the end thereof the following words: "Provided, that after the 'effective date' applicable to any watershed as provided for in G. S. 143-215, any rules and regulations adopted by the State Board of Health under this Section governing the location, construction, and operation of public sewerage facilities shall be effective only with respect to the administration of said Board's responsibilities as set forth by G. S. 143-215.1(a)(5)."

(b) G. S. 130-161 is amended by adding thereto at the end thereof the following words: "Provided, that prior to the 'effective date' applicable to any watershed whenever the State Board of Health is advised by a municipality that application is being filed with the State Stream Sanitation Committee for a certificate of approval covering a voluntary pollution abatement project pursuant to G. S. 143-215.2, the plans will be reviewed by said Board if the effluent from the proposed works is to be discharged into waters used as a source of public water supply and if approved, said plans shall be referred to the State Stream Sanitation Committee for final approval. If no water supply is involved, such plans will be referred directly to the State Stream Sanitation Committee and the approval of the Board of Health will not be prerequisite to the entering of a contract. Provided, further, that after the 'effective date' applicable to any watershed as provided for in G. S. 143-215, the State Stream Sanitation Committee, rather than the State Board of Health, shall carry out the provisions of this Section relating to sewage and waste disposal, except as otherwise provided by G. S. 143-215.1(a)(5), with regard to:

(i) incorporated municipalities served by public sewerage systems;

(ii) unincorporated communities served by a community sewerage system;

(iii) sanitary districts created pursuant to law which are served by public sewerage systems;

(iv) industries of all types, except raw milk dairies, farm slaughter houses, shell-fish processing plants and similar establishments; and those food and/or lodging establishments which are supervised by the State Board of Health under other State laws and which are not served by public or community sewerage systems;

(v) housing developments served by community sewerage systems; and

(vi) military installations, parks, institutions, and other reservations which are maintained and operated by the Federal Government."

(c) G. S. 130-163 is amended by substituting a comma for the period at the end of the last sentence of the first paragraph and adding the following words: "provided, that regulations concerning the disposal of sewage shall not conflict with G. S. 130-161."

(d) G. S. 130-165 is amended by inserting after the word "sewage" in line 2 thereof the words "or industrial waste," by inserting after the word "sewage" in line 3 thereof the words "or industrial waste," and by inserting after the words "State Board of Health" in line 5 thereof the words "and State Stream Sanitation Committee."

Sec. 10. Subsection 2 of G. S. 160-383 (Cumulative Supplement 1957), which provides for issuance of municipal sewer revenue bonds upon order of the State Stream Sanitation Committee or the State Board of Health, is hereby amended by striking therefrom in line 7 thereof the words "by the State Board of Health or", and by striking therefrom in line 8 thereof the words "Board or."

Sec. 11. Partial Invalidity. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 12. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 13. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 237 CHAPTER 780

AN ACT PROVIDING THAT ABSENTEE VOTING SHALL BE INAPPLICABLE TO THE ELECTION OF MEMBERS OF THE GENERAL ASSEMBLY, COUNTY AND TOWNSHIP OFFICIALS IN GRAHAM COUNTY; REPEALING THE PROVISIONS OF G. S. 163-172, G. S. 163-173 AND G. S. 163-174, EXCEPT AS TO BLIND PERSONS, SO FAR AS THE SAME RELATE TO PRIMARY AND GENERAL ELECTIONS IN GRAHAM COUNTY; AND PROVIDING THAT HUSBAND AND WIFE MAY ASSIST EACH OTHER IN PREPARATION OF THEIR BALLOTS.

The General Assembly of North Carolina do enact:

Section 1. None of the provisions of Article 10, Chapter 163 of the General Statutes shall apply to the election of members of the General Assembly or to the election of any county or township official in Graham County.

Sec. 2. That the provisions of G. S. 163-172, G. S. 163-173 and G. S. 163-174 shall not apply to primary and general elections in Graham County except in the case of a blind voter: Provided, that husband and wife may be permitted to enter election booths in Graham County at the same time and shall be permitted to assist each other in the preparation of their ballots.

Sec. 3. This Act shall apply to Graham County only.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 318 **CHAPTER 781**

AN ACT AMENDING AND REWRITING CERTAIN SECTIONS OF CHAPTER 139 OF THE GENERAL STATUTES RELATING TO SOIL CONSERVATION DISTRICTS SO AS TO PROVIDE FOR THE ESTABLISHMENT OF WATERSHED IMPROVEMENT DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 139 of the General Statutes is amended by classifying the first 15 Sections thereof as Article I.

Sec. 2. Subsection (a) (3) of G. S. 139-2 is hereby rewritten to read as follows:

"(3) The Appropriate Corrective Methods. That to conserve soil resources and control and prevent soil erosion and prevent flood water and sediment damages, and further the conservation, utilization, and disposal of water, and the development of water resources it is necessary that land-use practices contributing to soil wastage and soil erosion be discouraged and discontinued, and appropriate soil-conserving land-use practices and works of improvement for flood prevention or the conservation, utilization, and disposal of water and the development of water resources be adopted and carried out. That among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check dams, desilting basins, flood water retarding structures, channel improvements, floodways, dikes, ponds, ditches, and the like; the utilization of strip cropping, lister furrowing, contour cultivating, contour furrowing, farm drainage, land irrigation; seeding and planting of waste, sloping, abandoned, or eroded lands with water-conserving and erosion-preventing plants, trees, and grasses; forestation and reforestation; rotation of crops; soil stabilization with trees, grasses, legumes, and other thick-growing, soil-holding crops; the addition of soil amendments, manurial materials, and fertilizers for the correction of soil deficiencies and to promote increased growth of soil-protecting crops; retardation of runoff by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded."

Sec. 3. Subsection (b) of G. S. 139-2 is hereby rewritten to read as follows:

"(b). Declaration of Policy: It is hereby declared to be the policy of the Legislature to provide for the conservation of the soil and soil resources of this State, and for the control and prevention of soil erosion, and for the prevention of flood water and sediment damages, and for furthering the conservation, utilization, and disposal of water, and the development of water resources and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety and general welfare of the people of this State."

Sec. 4. G. S. 139-3 is hereby amended by striking out the paragraph numbered (4) of said Section and substituting in lieu thereof the following:

"(4) 'Petition' means a petition filed under the provisions of Article I of this Chapter for the creation of a soil conservation district, or a petition filed under the provisions of Article II of this Chapter for the creation of a watershed improvement district."

G. S. 139-3 is hereby further amended by rewriting the paragraph numbered (10) of said Section to read as follows:

"(10) The terms 'land occupier' or 'occupier of land', and 'landowner' or 'owner of land' include any person, firm or corporation who shall hold title to or shall have contracted to purchase any lands lying within a soil conservation district or a watershed improvement district organized under the provisions of this Chapter."

G. S. 139-3 is hereby further amended by adding at the end thereof four numbered paragraphs to read as follows:

"(13) 'Trustees' means residents within a watershed improvement district who are appointed or elected to carry on the business of a watershed improvement district, organized under the provisions of Article II of this Chapter.

"(14) 'Watershed improvement district' means a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of Article II of this Chapter, for the purposes, with the powers, and subject to the restrictions therein set forth.

"(15) 'Notice' as used in Article II of this Chapter shall mean notice published at least once a week for two consecutive weeks in at least one newspaper of general circulation published in each county wherein any part of a watershed improvement district lies or if in any instance there is no such newspaper then, in lieu thereof, in a newspaper of general circulation in such county.

"(16) 'Board' or 'State Board' means the Board of Water Commissioners of the State of North Carolina, or the board, body or commission succeeding to its principal functions, or in whom shall be vested by law the powers herein granted to the said Board of Water Commissioners."

Sec. 5. Subsection (d) of G. S. 139-4 is hereby amended by adding thereto at the end thereof an additional paragraph numbered (7) to read as follows:

"(7) To receive, review and approve or disapprove applications for planning assistance under the provisions of Public Law 566 (83rd Congress, as amended), and recommend priorities on such applications."

Sec. 6. Subsection (a) of G. S. 139-5 is hereby amended by adding thereto at the end thereof the following unnumbered paragraph:

"No town or village lots or government-owned or controlled lands shall be included within the boundaries of any district. As used in this subsection: The term 'government-owned or controlled land' includes land owned or controlled by any governmental agency or subdivision,

Federal, State or local; and the term 'town and village lots' means parcels or tracts on which no agricultural operations are conducted, or (being less than three acres in extent) whose production of agricultural products for home use or for sale during the immediately preceding calendar year was of less than two hundred and fifty dollars ($250.00) in value. This Section applies to existing soil conservation districts as well as districts that may hereafter be formed. Insofar as it applies to existing districts it is intended to be declaratory of the present boundaries of such districts as defined by their charters."

Sec. 7. G. S. 139-8 is hereby rewritten to read as follows:

"Sec. 139-8. Powers of Districts and Supervisors. A soil conservation district organized under the provisions of this Act shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers in addition to others granted in other Sections of this Chapter.

"(1) To conduct surveys and investigations relating to the character of soil erosion and flood water and sediment damages, and to the conservation, utilization, and disposal of water, the development of water resources, and the preventive and control measures and works of improvement needed, to publish the results of such surveys and investigations, and to disseminate information concerning such preventive and control measures and works of improvement.

"(2) To carry out preventive and control measures and works of improvement for flood prevention or the conservation, utilization, and disposal of water and development of water resources within the district, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in subsection (a) subdivision (3) of G. S. 139-2, on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupiers of such lands or the necessary rights or interest in such lands.

"(3) To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any occupiers of land within the district, in the carrying on of erosion control and prevention operations and works of improvement for flood prevention or the conservation, utilization, and disposal of water and development of water resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this Chapter.

"(4) To obtain options upon and to acquire by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions

of this Chapter; and to sell, lease or otherwise dispose of its property or interests therein in furtherance of the purposes and the provisions of this Chapter.

"(5) To make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and such other material or equipment as will assist such land occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion and for flood prevention or the conservation, development, utilization, and disposal of water and the development of water resources.

"(6) To construct, improve, operate, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this Chapter.

"(7) To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion and for flood prevention or the conservation, utilization and disposal of water and development of water resources, within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to bring such plans and information to the attention of occupiers of lands within the district.

"(8) To act as agent for the United States, or any of its agencies, in connection with the acquisition, construction, operation, or administration of any project for soil conservation, erosion control, erosion prevention, flood prevention, or for the conservation, utilization, and disposal of water and development of water resources, or combinations thereof, within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this State or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations, except that all forest tree seedlings shall be obtained insofar as available from the State Forest Nursery, operated by the State Department of Conservation and Development in cooperation with the United States Department of Agriculture.

"(9) To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regulations not inconsistent with this Chapter, to carry into effect its purposes and powers.

"(10) As a condition to the extending of any benefits under this Chapter to, or the performance of work upon, any lands not owned or controlled by this State or any of its agencies, the supervisors may re-

quire contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion and prevent flood water and sediment damages therein.

"(11) No provision with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the Legislature shall specifically so state.

"(12) Nothing contained in this Chapter shall authorize or allow the withdrawal of water from a watershed or stream except to the extent and degree now permissible under the existing common and statute law of this State; nor to change or modify such existing common or statute law with respect to the relative rights of riparian owners or others concerning the use or disposal of water in the streams of this State; nor to authorize a district, its officers or governing body or any other person, firm, corporation (public or private), body politic or governmental agency to utilize or dispose of water except in the manner and to the extent permitted by the existing common and statute law of this State."

Sec. 8. That Chapter 139 of the General Statutes is hereby further amended by adding a new Article immediately following G. S. 139-15 to be numbered Article II, and reading as follows:

"ARTICLE II

"139-16. Establishment Within Soil Conservation District Authorized. Watershed improvement districts may be established within one or more soil conservation districts or within and without such districts, to the extent permitted by G. S. 139-18 (a), in accordance with the provisions of this Article.

"139-17. Petition for Establishments: What to Set Forth. Any 100 owners of land lying within the limits of a proposed watershed improvement district, or a majority of such owners if their total number be less than 200, may file a petition with the supervisors of the soil conservation district in which the proposed watershed improvement district is situated asking that a watershed improvement district be organized to function in the area described in the petition. Any petition circulated in person by an official or employee of the United States Soil Conservation Service shall be void. Each owner of an undivided interest in real property located within the proposed watershed district shall have the right to sign petitions under this Section and subsection (c) of G. S. 139-21, to register and vote under G. S. 139-18 and otherwise exercise any right granted owners of land under this Article. The petition shall set forth:

"(a) The proposed name of the watershed improvement district;

"(b) That the said district appears to hold promise of administrative, engineering and economic feasibility, and the reasons therefor;

"(c) A description of the area proposed to be organized as a watershed improvement district, and the names and addresses of those landowners therein who are known to petitioners;

"(d) That the area described in the petition consists of contiguous territory and in what watershed or watersheds such area lies;

"(e) To the extent feasible: A description of the proposed work or works of improvement for the control and prevention of soil erosion, flood prevention, or the conservation, utilization, and disposal of water and development of water resources, contemplated for said district, together with an explanation of the effect which said work or works of improvement will have upon the lands of the various landowners in the proposed district;

"(f) That none of the land within the proposed watershed improvement district lies within the boundaries of any other watershed improvement district;

"(g) A request that the area described in the petition be organized as a watershed improvement district; and

"(h) The amount of the maximum annual assessment that may be levied against the landowners of the proposed district, as provided in G. S. 139-26.

"139-18. Notice and Hearing on Petition; Determination of Need for District and Defining Boundaries. (a) Within 30 days after such petition has been filed with the supervisors of the soil conservation district, they shall set the time and place for a public hearing upon the practicability and feasibility of creating the proposed watershed improvement district, and shall publish notice thereof once a week for two consecutive weeks. All owners of land within the proposed watershed improvement district and all other interested parties shall have the right to attend such a hearing and to be heard and may register their name and address with the supervisor if they want the notice provided for under G. S. 139-18(m) sent to them. During the hearings or thereafter the supervisors may recommend that the purposes of the proposed district or its proposed boundaries be changed. The supervisors may amend the proposed boundaries to include within such boundaries lands which lie within the watershed of the proposed district but do not lie within an existing soil conservation district, if the owner of such lands consents to their inclusion.

"(b) In passing upon the petition the supervisors shall consider whether:

"(1) The area proposed to be organized as a district consists of contiguous territory none of which lies in any other watershed improvement district. It is the intention of the General Assembly that the territory of a watershed district shall normally comprise all or part of a single watershed, or of two or more watersheds tributary to one of the major drainage basins of the State, but exceptions to this policy may be permitted in appropriate cases, but it is not the intention of the General Assembly to authorize hereby the diversion of water from one stream or watershed to another.

"(2) Any land or structure has been included in the proposed district which cannot be served or benefited by the proposed work or works of improvement and which could be excluded from the boundaries of the district without substantially impairing the effective purpose of the proposed work or works of improvement; and

"(3) The proposed district appears to hold promise of administrative, engineering and economic feasibility.

"If, in the judgment of the supervisors, there is substantial compliance with these requirements, the supervisors shall issue an order setting dates and places for a referendum (and for registration of voters therefor) to be held, after publication of the order as herein provided, among the landowners of the proposed district in order to assist the supervisors in determining the administrative and economic feasibility of creating the proposed district. The supervisors shall publish such order once a week for two successive weeks in the manner provided by this Article for publication of notices. They shall also send to the board of county commissioners of each county wherein any part of the proposed district lies a copy of the order, together with a request that the said board or boards conduct the referendum within their respective counties on the date set out in the order, and cash or certified check deposit furnished by the petitioners and sufficient in the judgment of said board or boards to defray the expenses of conducting the referendum within their respective counties. If (in connection with a district that lies in more than one county) the supervisors determine that only a single voting place shall be used or that all voting places should be located within one county, the said order and request shall be sent only to the board of county commissioners of the county containing such voting place or places.

"(c) The registration and voting dates and places shall be set by the supervisors and after consulting with the said board or boards of county commissioners. The referendum may be held on any day (Sunday excluded) during the week following the last day for registration as hereafter provided for, but the county commissioners shall not be required to conduct the referendum during any 30-day period immediately preceding nor during any ten-day period immediately following a county-wide election. Any such board of county commissioners may require its county board of elections or any other designated persons to conduct on its behalf the said referendum, and the term 'county election authority' as used in this Section means whatever authority shall be designated by the board of county commissioners to conduct the referendum.

"(d) All owners of land lying within the boundaries of the proposed watershed improvement district, and only such owners, shall be eligible to register and vote in the referendum. The registration shall be conducted at one or more registration places within the proposed district, as established by the supervisors. The supervisors shall furnish a registration book for each registration place, and shall appoint for each registration place at least two registrars to register the voters. One or

more supervisors may be assigned to perform the function of registrar. If the proposed district lies within more than one county, separate registration books shall be supplied and kept for each such county, regardless of the number of registration or voting places. Each registrar before entering upon the discharge of his duties shall take an oath before a justice of the peace or some other person authorized to administer oaths, that he will support the Constitution of the United States and the Constitution of North Carolina not inconsistent therewith and that he will honestly and impartially discharge his duties in registering the voters. The registration book shall be opened for the registration of voters at nine o'clock A. M. on the second Saturday before the referendum, and closed at sunset on the Saturday before the election. On each such Saturday, the registrars shall attend their respective registration places and keep open the registration books between the hours of nine o'clock A. M. and sunset for the registration of voters. If any person shall give satisfactory evidence to the registrars that he has become qualified to register and vote after the time for registration has expired, he shall be allowed to register on that date and his name shall be inserted in the registration book, except that no registration shall be allowed on the day of the referendum.

"(e) Each applicant for registration shall be sworn before being registered, shall state his name and place of residence, shall describe as accurately as possible the land he owns that lies within the boundaries of the proposed district, and shall state his interest in such land. The oath to be taken shall be as follows:

" 'I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of North Carolina not inconsistent therewith, and that I am the owner of land lying within the boundary of the proposed (here insert name of proposed district) watershed improvement district. So help me, God.'

"The registrar, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to him as to qualifications of the applicant. Thereupon, if the applicant be found to be qualified to be registered, the registrar shall register the applicant and record his name, place of residence, and a description of the land he owns that lies within the boundaries of the proposed district.

"(f) On the second Saturday of the registration period, from the hour of nine A. M. until sunset, the registration books shall be open for inspection by the landowners of the proposed district, and any of said landowners shall be allowed to object to the name of any person appearing on the books. In case of any such objection, the registrars shall enter on their books opposite the name of the person so objected to, the word 'challenged,' and shall appoint a time and place, before the referendum date, when they shall hear and decide said objection, giving personal notice of such challenge to the voter so objected to. If for any cause personal notice cannot be given, then it shall be sufficient notice to leave a copy thereof at his residence. Nothing in this subsection shall prohibit any landowner from challenging or objecting to

the name of any person registered or offering to register at any time other than that above specified. If any person so challenged or objected to shall be found not duly qualified, the registrars shall erase his name from the books.

"(g) When any person is challenged, the registrars shall explain to him the qualifications of a voter in the referendum, and shall examine him as to his qualifications. If the person insists that he is qualified and proves his identity with the person in whose name he offers to vote, and his continued ownership of qualifying property since his name was placed on the registration book, as the case may be, by the testimony under oath of at least one person qualified to vote in the referendum, one of the registrars shall tender him the following oath or affirmation:

"'You do solemnly swear (or affirm) that you are a citizen of the United States, that your name is (here insert name given), that in such name you were duly registered as a voter of the proposed (here insert name of proposed district) watershed improvement district, and that you are the owner of lands that lie within the boundaries of the proposed district. So help you, God.'

"If he refuses to take such oath or affirmation when tendered, his vote shall be rejected. If, however, he does take the oath or affirmation when tendered, his vote shall be received; provided, that after such oath or affirmation shall have been taken, the registrars may nevertheless refuse to permit such person to vote, unless they be satisfied that he is a legal voter; and they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of a person offering to vote. Whenever any such person's vote shall be received, after having taken the oath or affirmation prescribed in this Section, one of the registrars shall write in the registration book, at the end of such person's name, the word 'sworn'. The same powers as to the administration of oaths and affirmations and the examination of witnesses, as in this Section granted to registrars, may be exercised by the registrars in all cases where the names of persons registered or offering to register are objected to.

"(h) After all challenges have been heard and decided, and before the day of the referendum, the registrars shall deliver the registration books to the county election authorities responsible for conducting the referendum. The supervisors of the soil conservation district shall cause to be printed or otherwise duplicated ballots for the referendum in substantially the form set forth in G. S. 139-5 (c), but the watershed improvement district shall be substituted by name for the soil conservation district. Not later than the day before the referendum, the supervisors shall cause to be delivered to the county election authorities a number of said ballots equal to five per cent (5%) greater than the number of persons registered to vote therein. The supervisors shall appoint one registrar from each registration place to attend the referendum as a poll watcher and to assist the election authorities in identifying the voters.

"(i) The county election authorities shall conduct the referendum at the date and place or places set out in the order published pursuant to subsection (d) of this Section. They shall open the polls and superintend the same until the close of elections, shall keep poll books in which shall be entered the name of every person who shall vote, and at the close of the referendum they shall certify the same over their proper signatures and deposit them with the supervisors of the soil conservation district. The polls shall open and close at the same hours as provided for primary and general elections by chapter 163 of the General Statutes. At the end of the referendum at each voting place the polls shall be closed, the ballot boxes opened, and the ballots counted by or under the supervision of the county election authorities in the manner provided for with respect to general elections by Chapter 163 of the General Statutes.

"(j) If there be only one voting place the county election authorities shall immediately after the counting of the ballots form a board of canvassers and, in the presence of such voters as chose to attend, shall canvass and judicially determine the results.

"If there be more than one voting place the county election authorities at each voting place shall elect one of their members to attend the meeting of the board of canvassers as a member thereof. When the results of the counting of the ballots shall have been ascertained, such results shall be embodied in a duplicate statement, one copy of which shall be placed in a sealed envelope and delivered to the official elected to attend the meeting of the board of canvassers, and the other copy of which shall be mailed by another county election official to the board of supervisors of the soil conservation district. The members of the board of canvassers so appointed shall meet at eleven A. M. on the second day after the election at the county courthouse of the county wherein the largest portion of the proposed district lies, as determined by the said board of supervisors. A majority of the board of canvassers shall constitute a quorum, and such board shall organize by the election of one of its number as chairman and one as secretary. Any member of such board who shall fail to deliver the certified returns from his voting place by twelve noon on the day of such board meeting shall be guilty of a misdemeanor, unless for illness or good cause shown for such failure. If any returns have not been received by twelve noon on the day of the meeting, or if any returns are incomplete or defective, it may dispatch an officer to the residence of such officials for the purpose of securing the proper returns for such voting place. The board of canvassers at its meeting shall in the presence of such voters as choose to attend, open, canvass, and judicially determine the results.

"Whether there be one or more than one voting place, the board of canvassers after judicially determining the results shall make abstracts stating the number of legal ballots cast in each voting place and the number of votes cast for and against creation of the watershed improvement district, and shall sign the same in duplicate with its certificate as to the correctness of the abstracts. It shall have power to pass

upon judicially all the votes relative to the election and judicially determine and declare the results of the same; to send for papers and persons and examine the latter upon oath; and to pass upon the legality of any disputed ballots transmitted to it by any election official. The board of canvassers shall transmit one copy of the certified abstract of the results to the State Soil Conservation Committee, and shall file the other copy with the supervisors of the soil conservation district.

"(k) The board of county commissioners shall apply the deposit heretofore provided for toward defraying the costs of the election. If there be any excess of such deposit remaining after all such costs have been defrayed, the board shall return the balance thereof remaining to the petitioners. If the deposit shall prove insufficient to defray all such costs, the petitioners shall pay over sufficient funds to cover any deficit therein within seven days after they have been notified by the board of such deficit.

"(l) The results of the referendum shall be considered by the supervisors in determining whether it is administratively and economically feasible to create the district. The supervisors shall not approve the petition unless a majority of the voters in the referendum, and also a majority in number of the signers of the petition, voted in favor of the creation of the district, and (such requirement being met) shall approve the petition if, in their judgment, the district appears to hold promise of administrative and economic feasibility.

"(m) After the completion of the referendum the supervisors shall enter a final order approving or disapproving the petition, and shall record such order in their official minutes. The supervisors shall by personal service or registered mail serve a copy of the final order upon every person who attended the hearings and signed a roster provided for that purpose, and shall publish notice of such order once a week for two successive weeks. Any order of approval shall declare the district to be duly organized; shall specifically define the boundaries of the district, and shall be certified by the supervisors to the State Soil Conservation Committee, the State Board, and the Clerk of the Superior Court of the county or counties wherein any part of the district lies for recordation in the special proceedings docket thereof. If a petition is disapproved, subsequent petitions covering the same or substantially the same territory may be filed after six months have elapsed from the date of the order of disapproval, and new proceedings held thereon.

"(n)(i) Corporations and associations owning property located within a proposed district shall be entitled to register and vote in referenda held pursuant to this Section through representatives designated by them. Persons owning property as trustees, guardians, executors, administrators, or in other fiduciary capacities, (hereinafter collectively referred to as 'fiduciaries'), such property being located within a proposed district, shall also be entitled to register and vote in such referenda.

"(ii) In lieu of meeting the requirements of subsection (e) of this Section a fiduciary or a voting representative of a corporation or as-

sociation shall state his name and place of residence; shall describe as accurately as possible the land, on behalf of which he seeks to register, that lies within the boundaries of the proposed district; shall show satisfactory evidence of his authority to register on behalf of such corporation or association, or of his fiduciary status; and shall state, as the case may be, his interest as a fiduciary or the interest of the corporation or association, in such land.

"(iii) Fiduciaries shall be subject to the same oaths as required of other prospective voters under subsection (e) and (g) of this Section. The oaths to be taken by the voting representatives of a corporation or association shall be as follows:

"Under subsection (e)

"'I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of North Carolina not inconsistent therewith, and that I am the duly designated voting representative of the (here name corporation or association) which is the owner of land lying within the boundary of the proposed (here give name of proposed district) watershed improvement district. So help me, God.'

"Under subsection (g)

"'You do solemnly swear (or affirm) that you are a citizen of the United States, that your name is (here insert name given), that in such name you were duly registered as a designated voting representative of the (here name corporation or association) to vote upon the proposed (here insert name of proposed district) watershed improvement district, and that such (corporation) (association) is the owner of lands that lie within the boundaries of the proposed district. So help you, God.'

"139-19. Establishment of Watershed Improvement District Situated in More Than One Soil Conservation District. If a proposed watershed improvement district is situated in more than one soil conservation district, copies of the petition shall be presented to the supervisors of all the soil conservation districts in which any part of such proposed watershed improvement district is situated, and the supervisors of all such soil conservation districts shall act jointly as a board of supervisors with respect to all matters concerning such watershed improvement district, including its creation. Such watershed improvement district shall be organized in like manner and shall have the same powers and duties as a watershed improvement district situated entirely in one soil conservation district.

"139-20. Inclusion of Additional Area. Petitions for including additional land within a duly created and existing watershed improvement district may be filed with the supervisors of the soil conservation district and in such cases the provisions hereof in respect to the creation of watershed improvement districts shall be observed.

"139-21. Board of Trustees; Selection and Tenure.

"(a) Each watershed improvement district shall be governed by a board of trustees to be composed of three members, all of whom shall be residents of the district, and shall be selected in the manner provided in this Section.

"(b) Within 30 days after they have entered a final order under G. S. 139-18 declaring the organization of a watershed improvement district, the soil conservation district supervisors shall appoint an interim board of trustees for the watershed improvement district to serve until their successors are elected and qualified. Such interim board shall have all of the powers and duties of, and be subject to all of the provisions of this Chapter respecting, the board of trustees whose election is provided for in this Section.

"(c) At the next general election occurring not less than 180 days after the appointment of said interim board, there shall be elected three members of the board of trustees of the watershed improvement district. At each succeeding general election one member of said board shall be elected.

"Nominations in all cases shall be by written petition signed by any 25 owners of land lying within said district, or one-third of such owners if their total number be less than 75. Such petitions shall be notarized and shall be presented, not later than 120 days before the date of the general election, to the supervisors of the soil conservation district or districts within which the watershed improvement district lies. It shall be the duty of the said supervisors to examine said petitions and determine their validity. Not later than 90 days before the date of the general election the said supervisors shall certify to the boards of election of each county wherein any part of the watershed improvement district lies the names of the candidates thus nominated, together with a request that these candidates be presented to the voters at the next general election.

"All qualified voters residing within the watershed improvement district shall be eligible to register and vote for said trustees. For such election the board of elections of each such county, at county expense, shall provide polling places in said district and in their respective counties, and shall provide for a registrar or registrars and judges of election at each said polling place. In their discretion the said board or boards of elections may designate the general election polling places and election officials as polling places and election officials for such election (for registrations as well as for elections). The said board or boards of elections shall provide for the printing and distribution of ballots in the same way they provide ballots for county and precinct offices. Said ballots shall be printed separately, shall contain the names of all nominees certified to the board of elections, and shall carry the facsimile signature of the chairman of the county board of elections. The ballots shall indicate the title and term of the office being voted on, shall contain an instruction as to the number of candidates to be voted for, and shall state that if the voter tears or defaces or wrongly marks a ballot he may return it and get another. Write-in votes shall be treated as provided for write-in votes in the general election under subdivision three of G. S. 163-175. The said board or boards of elections shall certify the results of the elections to the supervisors of the soil conservation district or districts within which the watershed improvement district lies.

"The board of elections of each county wherein any part of the watershed improvement district lies shall provide for a new registration of all qualified voters residing in said district and in their respective counties. Said board or boards shall give notice thereof once a week for two consecutive weeks by advertisement in a newspaper of general circulation published in the district and in their respective counties or, if there is no such newspaper so published, then in a newspaper of general circulation in the district and in their respective counties. The first of such notices shall be published at least 30 days in advance of the first day for such registration. Such notices shall specify the dates, times and places for registration and for challenges to be received. Each registrar shall be furnished with a separate registration book for such watershed improvement district registration. The period for registration and the times when the registrars shall attend the polling places with the registration books shall be the same as those provided for the general election in G. S. 163-31. Challenges may be made and shall be heard and decided at the polling places, and at the times and in the manner provided for the general election in G. S. 163-78 to 163-80.

"(d) Of the trustees first elected, the one receiving the largest number of votes shall serve a term of six years, the one receiving the second largest number of votes shall serve a term of four years, and the one receiving the third largest number of votes shall serve a term of two years. Their successors in every case shall serve terms of six years.

"(e) Members elected to the board of trustees shall qualify and enter upon the duties of their offices on the first Monday of December next suceeding their election. Appointed members shall qualify and enter upon the duties of the offices not later than the second Monday next succeeding their appointment. All members shall take the oath of office prescribed by the State Constitution before the Clerk of the Superior Court, or some judge, or justice of the peace or other person qualified by law to administer oaths.

"(f) Vacancies in the membership of the board of trustees occurring otherwise than by expiration of term shall be filled by appointment to the unexpired term by the soil conservation district supervisors.

"139-22. Board of Trustees: Organization and Compensation.

"(a) The interim board of trustees at its first meeting shall select a chairman, vice chairman and secretary-treasurer to serve until their successors are selected. The elected board at its first meeting shall select corresponding officers to serve two-year terms. All official acts done by the board shall be entered in a book of minutes to be kept by the secretary-treasurer. A majority of the membership of the board shall constitute a quorum. The board shall meet in regular session at least quarterly and may meet specially upon the call of the chairman or any two members, and upon at least three days' notice of the time, place and purpose of the meeting.

"(b) Members of the board of trustees shall receive a per diem allowance of seven dollars ($7.00) and necessary expenses for attendance upon meetings of the board.

"139-23. Officers, Agents and Employees; Surety Bonds; Annual Audit. The trustees may employ such officers, agents, consultants, and other employees as they may require; shall determine their qualifications, duties and compensation; shall provide for the execution of surety bonds for the secretary-treasurer and such other officers, agents and employees as shall be entrusted with funds or property of the watershed improvement district; and shall provide for the making and publication of an annual audit of the accounts of receipts and disbursements of the watershed improvement district.

"139-24. Status and General Powers of District; Power to Levy Assessment; Approval of Land-owners Required. A watershed improvement district organized under the provisions of this Article shall constitute a political subdivision of this State, and a public body corporate and politic, exercising public powers, and such watershed improvement district shall have all of the powers of the soil conservation district or districts in which the watershed improvement district is situated, and in addition thereto shall have the authority to levy and the county tax collector or collectors shall collect an assessment as hereinafter provided, to be used for the purposes for which the watershed improvement district was created and for the operation and maintenance thereof.

"139-25. Benefit Assessments to Defray District Expenses; Classification of Land According to Benefits.

"(a) The expenses of a watershed improvement district under this Chapter shall be assessed in the manner hereafter provided against lands specially benefited by the activities of the district.

"(b) As soon as practicable after the organization of a district and the formulation of plans for construction of works of improvement, the trustees shall examine and classify the lands in the district (and from time to time may reclassify them) according to the relative benefits they will receive from the activities of the district. The lands may be classified into as many as five classes, marked 'Class A', 'Class B', etc. In making such classifications the trustees shall consider the fertility of the soil, the proximity of the land to the watercourse (or, in the case of drainage benefits, its proximity to the ditch or a natural outlet), the degree of wetness on the land, the location of the land relative to existing or proposed works of improvement of the district, its susceptibility to damage from floods or erosion, and other factors evidencing anticipated benefits or lack thereof to particular lands.

"The holdings of any one landowner need not necessarily be all in one class, but the number of acres in each class shall be ascertained and listed, though its boundary need not be marked on the ground, but shall be shown on a separate map of the district designated 'Classification Map'.

"The total number of acres owned by one person in each class and the number of acres benefited shall be determined. The total number of acres benefited in each class in the entire district shall be set

forth in tabulated form. The scale of assessment upon the several classes of land shall be determined by the trustees.

"(c) Following completion of such classification the trustees shall publish at least once a week for two successive weeks a notice of the time and place for a public hearing to hear the objections of all interested persons to the classification. In addition, the trustees shall mail a copy of the notices of classification to all owners of classified land. The notice shall be mailed to the owner's last known address. The certificate of the person designated to mail the notices that such notices were mailed, giving the mailing date, shall be conclusive in the absence of fraud. The hearing shall be held not earlier than ten days from the first publication of the notice or the certified mailing date of the notices whichever occurred last. The notice shall refer to the district by name, describe generally the property included in the classification, set forth the scale of assessment upon the various classes of land, state where and when the classification will be available for inspection, and state that all objections must be made in writing, signed in person or by attorney, and filed with the secretary-treasurer of the district at or before the time of the hearing, and that any objections not so made shall be waived. At the hearing or some other time to which it may be adjourned the trustees shall consider objections made in compliance with the above requirements. If any objection is made and not sustained by the trustees, their action thereupon shall be the final adjudication of the issues presented, subject to appeal pursuant to subsection (d) of G. S. 139-26.

"(d) The proceedings for a reclassification shall be in all respects as in the case of the original classification.

"139-26. Estimate of Expenses; Filing and Confirmation of Initial Assessment Roll; Subsequent Assessments.

"(a) After the classification of lands has been completed, the trustees shall estimate as near as may be:

"(1) The cost of the contemplated works of improvement and incidental expenses; and

"(2) The amount of all other expenses of the district (including expenses of maintaining the works of improvement, administrative expenses, and interest on borrowed funds): (A) That have accrued or will accrue prior to the first fiscal year of the district during which assessments are turned over to the county authorities for collection and (B) that will accrue during such fiscal year and the two succeeding fiscal years. (The fiscal year of the district shall begin on July 1 and end on June 30.)

"The trustees shall thereupon make an assessment of the sum of the amounts estimated pursuant to paragraphs (1) and (2) above. For that purpose the trustees shall make out an assessment roll in which shall be entered the names of the landowners assessed so far as the same can be ascertained, and the amounts assessed against them, respectively, with a brief description of the parcels or tracts of land assessed. The said assessment roll shall also indicate the amount of the

assessment installments to be paid during each of the first three fiscal years of the district by each landowner who elects to pay his assessment in installments. The maximum assessment on any assessment roll shall not exceed an annual rate of five dollars ($5.00) per acre.

"(b) Immediately after such assessment roll has been completed the trustees shall publish at least once a week for two consecutive weeks a notice of the completion of the assessment roll. Such notice shall describe the proposed improvement in general terms, state where and when the assessment roll will be available for inspection, and specify the time and place for a meeting of the trustees to hear objections to the assessments. In addition, the trustees shall mail a copy of the notice to each owner of land against which an assessment has been made. The notices shall be mailed to the owner's last known address. The certificate of the person designated to mail the notices that such notices were mailed, giving the mailing date, shall be conclusive in the absence of fraud. The meeting shall be held not earlier than ten days from the first publication of the notice or the certified mailing date of the notices whichever occurred last.

"(c) At such meeting the trustees shall hear the objections of all interested persons who appear and offer proof in relation thereto. The trustees shall either annul or sustain or modify in whole or in part the prima facie assessment as indicated on said roll, either by confirming the prima facie assessment against any or all tracts or parcels described therein, or by cancelling, increasing or reducing the same according to the special benefits which the trustees decide each tract or parcel has received or will receive on account of the activities of the district during the period of assessment. If any property subject to assessment has been omitted from the roll or if the prima facie assessment has not been made against it, the trustees may place on the roll an apportionment against such property. The trustees may thereupon confirm the roll, but shall not confirm any assessment in excess of the special benefits to the property assessed and the assessments so confirmed shall be in proportion to the special benefits. Whenever the trustees shall confirm an assessment roll the secretary-treasurer shall enter in the minute books of the district the date, hour and minute of such confirmation, and he shall immediately cause the assessment roll to be filed with the tax collector of the county wherein the land is located and from that time the assessment shall constitute a lien on the real property against which the same is assessed. Subsequent assessments levied in accordance with this Article shall be a lien against real property from the dae of filing of said assessment.

"(d) If the owner of, or any person interested in, any land assessed or classified is dissatisfied with the amount of the assessment under this Section or with the classification under G. S. 139-25, he may give written notice to the secretary-treasurer of the district within ten days after confirmation of the assessment roll or after the last day of the classification hearing, respectively, that he takes an appeal to the State Board. Within 20 days after such confirmation or after the last day of

the classification hearing, respectively, he must file with the State Board and the secretary-treasurer of the district a brief statement of the grounds for his dissatisfaction with the ruling of the trustees. The State Board shall set a date for a hearing not more than 90 days from the date of the filing of the statement. At said hearing, evidence shall be taken by the State Board from the district and the landowner, both of whom shall have the right to be represented by counsel. After hearing the evidence, the State Board may affirm, overrule or modify the ruling of the trustees and may tax the cost of the hearing against the losing party. Either party may appeal from the ruling of the State Board to the Superior Court of the county wherein the land is located for trial de novo. The appeal from the trustees or the State Board shall not delay or stop the operation of the district or any of its works of improvement. The State Board in order to fulfill the duties herein granted shall have the powers given it under G. S. 139-35 (e). The State Board may delegate to one of its members or to a deputy the function of holding any or all hearings which it is required to hold under the provisions of this subsection.

"(e) The trustees may correct, cancel or remit any assessment, and may remit, cancel or adjust the interest or penalties thereon. The trustees have the power, when in their judgment there is any irregularity, omission, error or lack of jurisdiction in any of the proceedings relating thereto to set aside the whole of the assessment made by them, and thereupon to make a reassessment. The proceedings shall be in all respects as in the case of the original assessment, and the reassessment shall have the same force as if it had originally been properly made. In the event of a reassessment the trustees may, if necessary, postpone the dates for payment of assessments and installments and for performance of other acts required to be performed on or before designated dates.

"(f) No change of ownership of any property or interest therein after the last day of the classification hearing shall in any manner affect subsequent proceedings, and the works of improvement may be completed and assessments made therefor as if there had been no change of ownership.

"(g) The following provisions of the General Statutes concerning municipal special assessments, with modifications as specified, shall apply to assessments by watershed improvement districts:

"G. S. 160-95 to 160-97, which relate to assessments in case of tenants for life or years;

"G. S. 160-98, which relates to liens in favor of cotenants or joint tenants paying assessments;

"G. S. 160-101, which relates to apportionment of assessments where property has been or is about to be subdivided (except that: for 'governing body', read 'trustees'.)

"(h) Subsequent to the initial assessment the trustees may annually, biennially or triennially, at their discretion, levy additional assessments to meet:

"(1) The cost of contemplated additional works of improvement and incidental expenses; and

"(2) All other expenses of the district (including expenses of maintaining the works of improvement, administrative expenses and interest on borrowed funds) that will accrue during the ensuing fiscal year, biennium or triennium, as the case may be.

"The trustees shall prepare estimates, make out the assessment roll, hold hearings and in all other respects proceed as in the case of the initial assessment, except that:

"(1) The estimate shall be prepared on or before May 20th preceding the fiscal year during which the assessment (or the first installment thereof) shall come due, but failure to comply with this requirement shall not affect the validity of subsequent proceedings;

"(2) The period covered by the estimate of 'all other expenses' shall be the succeeding fiscal year, biennium or triennium, as the case may be; and

"(3) The assessment installments, if any, to be indicated on the assessment roll shall be those to be paid during each year of the fiscal biennium or triennium, as the case may be, by land-owners electing to pay in installments.

"139-27. Collection and Payment of Assessments; Expenditure of Proceeds thereof and of Other District Funds.

"(a) The landowner against whom an initial assessment is made shall have the option of paying it in cash or, if he should so elect and give written notice of the fact to the secretary-treasurer of the district within 15 days after the confirmation of the assessment roll, in three equal annual installments. He shall have the same option of paying subsequent biennial or triennial assessments, if any, in cash or in two or three equal annual installments, respectively. The initial and any subsequent assessment shall be due on the first Monday of August next following after the receipts for the first annual installment are mailed, pursuant to subsection (c) of this Section. The first annual installment of any such initial or subsequent assessment shall be due on the same date. The second and third annual installments shall be due and payable on the first Monday of August, one and two years, respectively, thereafter. All such assessments shall bear interest until paid at the rate of one-third of one per cent (1/3 of 1%) per month, or fraction thereof, after the first day of September of the year in which they become due, as illustrated in the table set forth in subsection (1) of this Section. In case of the failure or neglect of the property owner to pay any installment when the same becomes due, then and in that event all of the installments remaining unpaid shall at once become due. The entire assessment may be paid at the time of paying any installment by payment of the principal and all interest accrued to that date.

"(b) After confirmation of the assessment roll the district shall have prepared a form of receipt, with appropriate stubs attached, for the assessments due on each tract or parcel of land as recited in the assessment roll. A separate sheet shall be used for each tract or parcel assessed, and each such separate sheet shall contain three perforated receipts attached to a single stub, with appropriate entries and blank

spaces substantially as set forth in subsection (h) of this Section. The receipts and stubs for land within each county wherein any part of the district lies shall be separately bound. The bound books of assessment receipts shall be endorsed 'Assessments of the (here give the name of the district) Watershed Improvement District due on the first Monday of August, 19.....,' and the same endorsement shall be printed at the top of each assessment receipt. The necessary cost of printing and binding such books of assessment receipts and the filling in of the same shall be a proper charge against the district and shall be paid by the board of trustees.

"(c) During the month of July next following the confirmation of the assessment roll the district shall mail to the landowners the receipts for the first annual installment with the blanks duly filled in. The district shall also remove from the bound books, and retain, the receipts for the second and third annual installments. On or before the 25th day of such month the appropriate bound book of stubs, with the names of the property owners and assessment and installment amounts duly filled in, shall be delivered to the board of commissioners of each county wherein any part of the district lies. On or before the first Monday of August next following the said boards of commissioners shall cause such bound books to be delivered to their respective county tax collectors, together with appended orders in substantially the following form:

"Tax Collector, ... County:

"This is to certify that the attached book of assessment stubs embraces watershed assessments made on certain lands in the County of ..... which are located within the boundaries of the ..... Watershed Improvement District. The affected landowners, unless otherwise indicated to the contrary, have elected to pay their assessments in installments, the first of which becomes due on the first Monday of August, 19....., and must be paid and collected within the time and in the manner required by law. (See G. S. 139-27.) If such installment is not paid on or before the first day of September, 19....., the unpaid balance of the entire assessment becomes due with interest at the rate of one-third of one per cent (1/3 of 1%) per month, or fraction thereof, as set forth in subsection (i) of G. S. 139-27. You will enter the dates of payments on the stubs and retain the book of stubs in a safe place for use in recording subsequent annual installments. You will make monthly settlements of your collections with the secretary-treasurer of the ..... Watershed Improvement District, and in all other respects you will discharge your duties as tax collector as required by law.

"In witness whereof I have hereunto set my hand and official seal, this ..... day of ....., 19.....

.....

Chairman, Board of Commissioners,

..... County.

"(d) The procedure for the second and third annual installments shall be as set forth in this subsection. The district shall mail the re-

ceipts for such installments with blanks duly filled in to the landowners during the month of July, one and two years, respectively, after the mailing of the receipts for the first installment. On or before the 25th day of such month there shall be delivered to the boards of county commissioners a notice of the due date of the installment. On or before the first Monday of August next following the said boards of commissioners shall cause to be delivered to their respective county tax collectors orders in substantially the following form, omitting therefrom the appropriate bracketed words and phrases:

"Tax Collector ..... County:

"This is to certify that the (second) (third) installment of the watershed assessment of the ..... Watershed Improvement District becomes due on the first Monday of August, 19....., and must be paid and collected within the time and in the manner required by law. (See G. S. 139-27.) If such installment is not paid on or before the first day of September, 19....., the unpaid balance of the entire assessment becomes due with interest at the rate of one-third of one per cent (1/3 of 1%) per month, or fraction thereof, as set forth in subsection (i) of G. S. 139-27. You will enter the dates of payments on the stubs (and retain the book of stubs in a safe place for use in recording the third annual installment) (and thereafter retain or dispose of the book of stubs in the manner provided by law). You will make monthly settlements of your collections with the secretary-treasurer of the ..... Watershed Improvement District, and in all other respects you will discharge your duties as tax collector as required by law.

"In witness whereof I have hereunto set my hand and official seal, this ..... day of ....., 19.....

.....

Chairman, Board of Commissioners,

..... County.

"(e) All watershed assessments shall be collected by the county tax collector in the same manner as county taxes, except as otherwise herein provided, and such collections shall be enforced in the manner provided by G. S. 105-414 and subsections (f)-(v) of G. S. 105-391; provided however, that there shall be no right to proceed against personal property in enforcing such collections. The tax collector shall be required on the first day of each month to make settlements with the secretary-treasurer of the watershed improvement district of all collections of watershed assessments for the preceding month, and to deposit all moneys so collected in an account maintained in the name of the district at an official depository designated by the district. Such account shall also be used for the deposit of all other funds of the district. Expenditures from such account may be made with the approval of the trustees of the district on requisition from the chairman and the secretary-treasurer of the district. The fee allowed the tax collector for collecting the watershed assessments shall be two per cent (2%) of the amount collected, except that, where the tax collector is on a salary basis, such fee shall be paid into the general fund of the county.

"If the tax collector shall willfully fail or neglect to comply with any requirement of law concerning collection or deposit of watershed assessments, he shall be guilty of a misdemeanor, and upon conviction shall be subject to fine and imprisonment, in the discretion of the court. He shall likewise be liable to a civil action for all damages which may accrue either to the trustees of the district or the holders of its bonds, to either or both of whom a right of action is hereby given.

"(f) No statute of limitation, whether fixed by law especially referred to in this Chapter or otherwise, shall bar the right of the district to enforce any remedy provided by law for the collection of unpaid assessments, save from and after ten years from default in the payment thereof, or, if payable in installments, ten years from the default in the payment of any installment. No penalties prescribed for failure to pay taxes shall apply to watershed assessments, but they shall bear interest as herein provided only.

"(g) All proceedings for watershed assessments under the provisions of this Article shall be regarded as proceedings in rem, (and no mistake or omission as to the name of the owner or person interested in any tract or parcel of land affected thereby shall be regarded as substantial mistake or omission.)

"(h) Form of Assessment Receipts with Stub.

.....

Landowner .....

Owner's Address .....

.....

Amount of Entire Assessment $.....

Date Paid .....

Amount of Each Annual Installment $.....

Assessments of the (here give name of district) Watershed Improvement District due on the first Monday of August, 19.....

Landowner .....

Unpaid Balance of Entire Assessment $.....

Amount of 1st Annual Installment Due $.....

If installment is not paid by Sept. 1, 19....., unpaid balance of entire assessment with interest at one-third of one per cent (1/3 of 1%) per month, or fraction thereof, becomes due.

Received by
(Signature)
Tax Collector,
..... County

PAYABLE TO TAX COLLECTOR
..... COUNTY, NORTH CAROLINA.

Assessments of the (here give name of district) Watershed Improvement District due on the first Monday of August, 19.....

Date 1st Ann'l Installment Paid

.....

Landowner .....

Unpaid Balance of Entire Assessment

$.....

Amount of 2nd Annual Installment Due

$.....

If installment is not paid by Sept. 1, 19....., unpaid balance of entire assessment with interest at one-third of one per cent (1/3 of 1%), or fraction thereof, becomes due.

Date 2nd Ann'l Installment Paid

.....

Received by
(Signature)
Tax Collector,
..... County

PAYABLE TO TAX COLLECTOR
..... COUNTY, NORTH CAROLINA.

Date 3rd Ann'l Installment Paid

.....

Assessments of the (here give name of district) Watershed Improvement District due on the first Monday of August, 19.....

Landowner .....

Amount of 3rd Annual Installment Due

$.....

If installment is not paid by September 1, 19....., it accumulates interest at the rate of one-third of one per cent (1/3 of 1%) per month, or fraction thereof.

Received by
(Signature)
Tax Collector,
..... County

PAYABLE TO TAX COLLECTOR
..... COUNTY, NORTH CAROLINA.

"(i) Table Illustrating Amounts of Interest Due on Unpaid Assessment. Explanatory note: This table uses as an illustration a district whose initial assessment roll was confirmed on April 1, 1960. Most of the entries would apply to a subsequent assessment as well as an initial assessment. The table shows the amounts of interest payable at various dates by a landowner who elected to pay in installments.

Date of Payment	Amount Due
On and after April 1, 1960 and on or before September 1, 1960.	First installment (or entire assessment) may be paid without interest.
After Sept. 1, 1960 and on or before Oct. 1, 1960.	If first installment was not paid on time, entire assessment becomes due with interest at one-third of one per cent (1/3 of 1%) of such entire assessment.

After Oct. 1, 1960 and on or before Nov. 1, 1960.	If first intallment was not paid on time, entire assessment is due with interest at two-thirds of one per cent (2/3 of 1%) of such entire assessment.
On or before Sept. 1, 1961.	If first installment was paid on time, second installment (or entire unpaid balance) may be paid with interest at four per cent (4%) of unpaid balance of entire assessment.
After Sept. 1, 1961 and on or before Oct. 1, 1961.	If second installment was not paid on time, unpaid balance of entire assessment becomes due with interest at four and one-third per cent (4 1/3%) of such unpaid balance.
After Oct. 1, 1961 and on or before Nov. 1, 1961.	If second installment was not paid on time, unpaid balance of entire assessment is due with interest at four and two-thirds per cent (4 2/3%) of such unpaid balance.
On or before Sept. 1, 1962.	If first and second installments were paid on time, third installment may be paid with interest at eight per cent (8%) of unpaid balance of entire assessment.
After Sept. 1, 1962 and on or before Oct. 1, 1962.	If third installment was not paid on time, unpaid balance of entire assessment becomes due with interest at eight and one-third per cent (8 1/3%) of such unpaid balance.
After Oct. 1, 1962.	To the balance due on Oct. 1, 1962, add interest at one-third of one per cent (1/3 of 1%) of such balance per month, or fraction thereof, until paid.

"139-28. Fiscal Powers of Governing Body; May Hold Referendum on Question of Incurring Indebtedness and Issuing Bonds. The trustees of any watershed improvement district shall have power, subject to the conditions and limitations of this Article, and with the approval of the Local Government Commission, to incur indebtedness and issue bonds of the watershed improvement district to defray any part of the expenses of the district. If the repayment of any such indebtedness or bonds be limited to the proceeds of benefit assessments to be levied by the district, the indebtedness may be incurred or bonds issued with or without a referendum. If their repayment be not so limited, a referendum shall be required, upon which all qualified voters residing within the district shall be eligible to register and vote. If a referendum is to be held the said trustees shall request the board or boards of election of each county wherein any part of the district lies to call a referendum on the question of whether the district shall incur an indebtedness or issue bonds for one or more of the purposes for which it was created.

"139-29. Conduct of Referendum. Such referendum may be held at the same time as the initial or a subsequent election for officers of the district. Such referendum shall be conducted in the manner provided for the conduct of elections for officers by the last two paragraphs of subsection (c) of G. S. 139-21; except that in place of the provisions thereof requiring that

the ballots contain the names of nominees, the title and term of office, and the instruction as to the number of candidates to be voted upon, the ballots shall contain a question and a voting instruction in the form certified to the board or boards of election by the trustees of the district. The form of the said question and instruction, with appropriate insertions and deletions, shall be substantially as follows:

"Shall the ..... Watershed Improvement District (incur an indebtedness to ..... in the amount of .....) (issue bonds in the amount of .....) for the purpose of .....? Vote 'Yes' or 'No'.

"139-30. Order Authorizing Governing Body to Incur Indebtedness or Issue Bonds. If a majority of the votes cast in such referendum, shall have been cast in favor of incurring the indebtedness or issuing the bonds, the Local Government Commission shall enter on record an order authorizing the trustees of the district to incur the indebtedness or issue the bonds for one or more of the purposes for which such district was created.

"139-31. Form of Indebtedness Incurred and Bonds Issued. The form of indebtedness incurred and bonds issued by the watershed improvement district shall be that adopted by the trustees of the watershed improvement district and approved by the Local Government Commission.

"139-32. Annual Assessment for Payment of Interest or to Amortize Indebtedness or Bonds. The trustees of the watershed improvement district shall, if necessary for the payment of the interest on such indebtedness or bonds and to amortize such indebtedness or bonds in such a manner as may be approved by the Local Government Commission, levy an annual assessment on all the real estate in the watershed improvement district subject to assessment under G. S. 139-25 to 139-27 to pay such interest and to amortize such indebtedness or bonds. Such additional assessment shall be apportioned and collected in the same manner as the assessment provided for in G. S. 139-25.

"139-33. Powers Granted Additional to the Powers of Soil Conservation Districts; Soil Conservation Districts to Continue to Exercise their Powers. The powers herein granted to watershed improvement districts shall be additional to those of the soil conservation district in which the watershed improvement district is situated; and such soil conservation district or districts shall be authorized, notwithstanding the creation of the watershed improvement district, to continue to exercise their powers within the watershed improvement district.

"139-34. Power to Incur Debts and Accept Gifts, Etc. A watershed improvement district shall have the power, in the manner hereinabove set forth, to incur debts and repay the same over such period of time and at such rate or rates of interest, not exceeding six per centum (6%) per annum, as the lender or lenders agree to; and to accept, receive, and expend gifts, grants or loans from whatever source received.

"139-35. Supervision by State Board. (a) The State Board, to the extent herein provided, shall have supervisory responsibility over the programs provided for in this Article.

"(b) Each watershed improvement district (to the extent that moneys are made available therefor by the State of North Carolina or any of its agencies or political subdivisions, by any municipality, or otherwise) shall:

"(1) By means of suitable measuring and recording devices and facilities and at intervals prescribed by the Board, record the inflow of water into and release of water from such reservoirs of the district as may be designated by the Board; and

"(2) Make periodic reports of such records as required by the Board.

"(c) The State Board shall be the State agency to which watershed work plans developed under Public Law 566 (83rd Congress, as amended) for contemplated works of improvement shall be submitted for review and approval or disapproval. All other work plans for contemplated works of improvement pursuant to this Chapter shall likewise be submitted to the Board for review and for approval or disapproval. The Board shall approve such work plans if, in its judgment, the work plans

"(1) provided for proper and safe construction of proposed works of improvement;

"(2) show that the construction and operation of the proposed works of improvement (in conjunction with other such works and related structures of the district and the watershed) will not appreciably diminish the flow of useful water that would otherwise be available to existing downstream water users during critical periods; and

"(3) are otherwise in compliance with law.

"No work of improvement may be constructed or established without the approval of work plans by the Board pursuant to this subsection. The construction or establishment of any such work of improvement without such approval, or without conforming to a work plan approved by the Board, may be enjoined. The Board may institute an action for such injunctive relief in the Superior Court of any county wherein such construction or establishment takes place, and the procedure in any such action shall be as provided in Article 37, Chapter 1 of the General Statutes.

"(d) In conjunction with any work plans submitted to the Board under subsection (c) of this Section, a watershed improvement district shall submit in such form as the Board may prescribe a plan of its proposed method of operations for works of improvement covered by the work plans and for related structures. With the approval of the Board, the district may amend its initial plan of operations from time to time. Board approval of the initial plan of operations shall not be required.

"(e) If the Board has reason to believe that a watershed improvement district is not operating any work of improvement or related structure in accordance with its plan of operations as amended, the Board on its own motion or upon complaint may order a hearing to be held thereon upon not less than 30 days' written notification to the district and complainant, if any, by personal service or registered mail. Notice of such hearing shall be published at least once a week for two successive weeks. In connection with any such hearing the Board shall be empowered to administer oaths; to take testimony; and, in the same manner as the Superior Court, to order the taking of depositions, issue subpoenas, and to compel the attendance

of witnesses and production of documents. If the Board determines from evidence of record that the district is not operating any work of improvement or related structure in accordance with its plan of operations, as amended, the Board may issue an order directing the district to comply therewith or to take other appropriate corrective action. Upon failure by a district to comply with any such order, the Board may institute an action for injunctive relief in the Superior Court of any county wherein such noncompliance occurs, and the procedure in any such action shall be as provided in Article 37, Chapter 1, of the General Statutes.

"(f) As used in this Section the term 'critical periods' means monthly periods, or other periods designated by the Board when (in the area affected) below-average stream flows coincide with above-average utilization of water; provided, that where insufficient data are available to permit reliable determinations concerning these matters, the Board may adopt as the 'critical period' for any particular area the period June 15-September 15.

"139-36. Dissolution of Watershed Improvement District. A watershed improvement district, after all outstanding debts or obligations have been satisfied, if any, may be dissolved upon:

"(1) Petition filed with the supervisors of the soil conservation district or districts wherein the watershed improvement district lies, setting forth the change of circumstances which causes such district to be no longer of any benefit, and signed by any 100 owners of land lying within the limits of the watershed improvement district, or a majority of such owners if their total number be less than 200;

"(2) Public hearings held, as provided in Section 139-18; and

"(3) An order of the supervisors of the soil conservation district or districts approving the action sought.

"If the foregoing requirements are met, the supervisors shall declare the watershed improvement district to be dissolved. Such declaration of dissolution shall be recorded in their official minutes, and the same certified to the State Soil Conservation Committee, the State Board, and the Clerk of the Superior Court of the county or counties wherein any part of the district lies for recordation in the special proceedings docket of such Clerk.

"139-37. Participation by Cities, Counties, Industries and Others.

"(a) Any industry, or private water user, the State of North Carolina, the United States or any of its agencies, any county, municipality or any other political subdivision may participate in watershed improvement district works or projects upon mutually agreeable terms relating to such matters as the construction, financing, maintenance and operation thereof.

"(b) Any county or municipality may contribute funds toward the construction, maintenance and operation of watershed improvement district works or projects, to the extent that such works or projects:

"(1) Provide a source (respectively) of county or municipal water supply; or protect an existing source of such supply, enhance its quality or increase its dependable capacity or quantity; or

"(2) Protect against or alleviate the effects of flood water or sediment damages affecting, or provide drainage benefits for, (respectively) county

or municipally-owned property or the property (respectively) of county or municipal inhabitants located outside the boundaries of such district but within the respective boundaries of such county or municipality.

"County and municipal expenditures for the aforesaid purposes are declared to be necessary expenses; and county expenditures therefor are declared to be for special purposes, for which the special approval of the General Assembly is hereby given."

Sec. 9. Nothing in the provisions of this Act shall change or modify the substantive law relative to the rights, powers and duties concerning the utilization or disposal of water as the same existed under the common and statute law of this State immediately prior to the ratification of this Act.

Sec. 10. Amend Chapter 139 of General Statutes by adding a new Article designated as Article III and reading as follows:

"ARTICLE III

"Expenditure by Counties.

"§ 139-39. Alternative Method of Financing Watershed Improvement Programs by Special County Tax. The board of county commissioners in any county is authorized to call a special election to determine whether it be the will of the qualified voters of the county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed twenty-five cents (25¢) on each one hundred dollars ($100.00) valuation of property in said county, to be known as a 'Watershed Improvement Tax', the funds therefrom, if the levy be authorized by the voters of said county, to be used for the prevention of flood water and sediment damages, and for furthering the conservation, utilization and disposal of water and the development of water resources, within the county.

"§ 139-40. Conduct of Election. (a) There shall be no new registration of voters for such an election. The registration books shall be open for registration of new voters in said county and registration of any and all legal residents of said county, who are or could legally be enfranchised as qualified voters for regular general elections, shall be carried out in accordance with the general election laws of the State of North Carolina as provided for local elections. Notice of such registration of new voters shall be published in a newspaper circulated in said county, once, not less than 30 days before and not more than 40 days before, the close of the registration books, stating the hours and days for registration. The special election, if called, shall be under the control and supervision of the county board of elections.

"(b) The form of the question shall be substantially the words 'For Watershed Development Tax', and 'Against Watershed Development Tax', which alternates shall appear separated from each other on one ballot containing opposite, and to the left of each alternate, squares of appropriate size in one of which squares the voters may make a mark 'X' to designate the voter's choice for or against such tax. Such ballot shall be printed on white paper and each polling place shall be supplied with a

sufficient number of ballots not later than the day before the election. At such special election the election board shall cause to be placed at each voting precinct in said county a ballot box marked 'Watershed Improvement Tax Election'.

"(c) The duly appointed judges and other election officials who are named and fixed by the county board of elections shall count the ballots so cast in such election and the results of the election shall be officially canvassed, certified and announced by the proper officials of the board of elections, according to the manner of canvassing, certifying and announcing the elections held under the general election laws of the State as provided for local elections.

"(d) If a majority of those voting in such election favor the levying of such a tax, the board of commissioners of such county is authorized to levy a special tax at a rate not to exceed twenty-five cents (25¢) on each one hundred dollars ($100.00) of assessed value of real and personal property taxable in said county, and the General Assembly does hereby give its special approval for the levy of such special tax.

"§ 139-41. Powers of County Commissioners. (a) If the majority of the qualified voters voting in such election favor the levying of such tax, then and in that event, the board of county commissioners shall have all powers of soil conservation districts as set forth in subdivisions (1), (2), (3), (5), (6), (7), (8), and (10) of G. S. 139-8 (subject to the limitations set forth in subdivision (12) of such Section) concerning flood prevention, development of water resources, flood water and sediment damages, and conservation, utilization and disposal of water. It is the intention of the General Assembly that such powers shall normally be exercised within all or parts of one or more single watersheds, or of two or more watersheds tributary to one of the major drainage basins of the State, but exceptions to this policy may be permitted in appropriate cases; provided, however, it is not the intention of the General Assembly to authorize hereby the diversion of water from one stream or watershed to another.

"(b) The board of county commissioners may itself directly exercise such powers or, for that purpose, may create a Watershed Improvement Commission to be composed of three members appointed by the board. The terms of office of the members of the commission shall be six years, with the exception of the first two years of existence of the commission, in which one member shall be appointed to serve for a period of two years, one for a period of four years, and one for a period of six years; thereafter all members shall be appointed for six years, and shall serve until their successors have been appointed and qualified. Vacancies in the membership of the commission occurring otherwise than by expiration of term shall be filled by appointment to the unexpired term by the board of county commissioners. The commission shall hold its first meeting within 30 days after its appointment as provided for in this Act, and the beginning date of all terms of office of commissioners shall be the date on which the commission holds its first meeting. The provisions of G. S. 139-22 and 139-23 concerning the organization and compensation of the elected board of trustees of a watershed improvement district, and concerning the powers and

duties of such trustees respecting personnel, surety bonds and audits, shall apply to the commission. The commission shall provide the board of county commissioners 30 days prior to July 1 a proposed budget for the fiscal year commencing on July 1 and shall provide the board of county commissioners an audit by a certified public accountant within 60 days after the expiration of the fiscal year ending on June 30.

"(c) The board of county commissioners may create a single watershed improvement commission for the entire county or may create separate commissions for individual projects or watersheds.

"(d) Counties which carry out watershed improvement programs under this Article shall be subject to supervision by the State Board pursuant to G. S. 139-35 to the same extent as are watershed improvement districts, and, for this purpose, the words 'districts' and 'watershed improvement districts', wherever they occur in such Section, shall be read as referring to counties.

"(e) Any industry or private water user, the State of North Carolina, the United States or any of its agencies, any municipality, any other county, or any other political subdivision may participate in county watershed improvement programs hereunder in the same manner and to the same extent as provided by G. S. 139-37 with respect to participation in watershed improvement district programs.

"§ 139-42. Article Intended as Supplementary. This Article is intended to provide an alternative method of financing and operating watershed improvement programs, supplementary to the method set forth in Article II of this Chapter.

"§ 139-43. Transfer and Continuation of Programs. A watershed improvement program initiated under this Article may be discontinued as a county program and thereafter transferred to or renewed as a watershed district program under Article II, upon compliance with the provisions of said Article II for initiating district programs; and a watershed improvement district program initiated under Article II may be discontinued as a district program and thereafter transferred to or renewed as a county program under this Article, upon compliance with the provisions of this Article for initiating county programs."

Sec. 11. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 674 CHAPTER 782

AN ACT TO PROVIDE FOR THE REMOVAL OF CATTLE REMAINING ON CORE BANKS IN CARTERET COUNTY.

WHEREAS, under the provisions of Chapter 1057 of the Session Laws of 1957, it is unlawful to permit cattle, sheep, goats, or swine to run at large on the Outer Banks of this State from and after July 1, 1958; and

WHEREAS, there are numbers of such livestock remaining on the Outer Banks in Carteret County; and

WHEREAS, it is necessary to provide for the removal of such cattle: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All cattle, sheep, goats and swine remaining on the Outer Bank, between Beaufort Inlet and Ocracoke Inlet in Carteret County on or after July 1, 1959, shall become the property of Carteret County and the sheriff of said county is authorized and directed to remove said cattle, sheep, goats and swine from said Banks by whatever method he may deem necessary and turn the same over to such charitable or educational institutions in Carteret County as may be designated by the Board of County Commissioners of said county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 681 CHAPTER 783

AN ACT REQUIRING THAT CERTAIN DOCUMENTS ACCEPTED FOR PROBATE IN ONSLOW COUNTY BE IDENTIFED BY THE NAME OF THE DRAFTSMAN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-17.1, 1957 Supplement to the General Statutes, is amended by adding at the end thereof the following:

"In Onslow County, the Clerk of the Superior Court shall not accept for probate or recordation any papers or documents affecting the title to real property, or which are or purport to be wills, other than holographic wills, unless there shall appear on the cover page of said papers or documents following the words 'drawn by' the signature of the person who drafted said papers or documents, or unless in some other manner the cover page shall clearly designate the draftsman of such documents: Provided, that papers or documents executed in other counties of North Carolina or in other states or countries for probate or recordation in any of said counties, or papers or documents prepared by any party to such papers or documents, may be accepted for probate or recordation without such designation on the cover page of such papers or documents."

Sec. 2. The failure to show thereon the name and address of the person who drafted or directed the drafting of any such instrument, document or paper writing or the failure to record such information shall not affect the validity of the notice by the registration thereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 810 CHAPTER 784

AN ACT TO INCLUDE THE TOWN OF WHITEVILLE WITHIN THE PROVISIONS OF ARTICLE 15 OF CHAPTER 160 OF THE GENERAL STATUTES.

WHEREAS, the Town of Whiteville does not have a population of five thousand (5,000) according to the last Federal Census; and

WHEREAS, it is provided by Section 160-183(a) that " 'Municipality' shall mean any city or town having a population of five thousand (5,000) or more, according to the last Federal Census"; and

WHEREAS, it is found desirable to include the Town of Whiteville in Columbus County within the provisions of Article 15 of Chapter 160 of the General Statutes: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The provisions of Article 15 of Chapter 160 of the General Statutes shall apply to the Town of Whiteville in Columbus County with the same force and effect as if the said town had a population of five thousand (5,000) or more, according to the last Federal Census, and the definition of a municipality in Section 160-183(a) of said Article shall not have the effect of excluding the Town of Whiteville in Columbus County from the provisions of said Article.

Sec. 2. That this Act shall apply only to Whiteville in Columbus County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 811 CHAPTER 785

AN ACT TO ESTABLISH THE DATE FOR MUNICIPAL ELECTIONS IN THE TOWN OF WHITEVILLE IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The next municipal election for the Town of Whiteville in Columbus County shall be held on Tuesday after the first Monday in May, 1961, and biennially thereafter.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 812 **CHAPTER 786**

AN ACT TO AMEND SECTION 126 OF CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ISSUING OF BUILDING PERMITS IN THE TOWN OF WHITEVILLE, COLUMBUS COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 160-126, as the same appears in the 1957 Cumulative Supplement, Volume 3C of the General Statutes of North Carolina, is hereby amended by striking from line 2 of said Section the word "inspector" as the same appears immediately following the word "the" and preceding the word "for", and substituting therefor the words "town manager".

Sec. 2. This Act shall apply to the Town of Whiteville in Columbus County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 813 **CHAPTER 787**

AN ACT TO PERMIT THE GOVERNING BODY OF THE TOWN OF WHITEVILLE IN COLUMBUS COUNTY TO ESTABLISH REASONABLE RULES RELATING TO APPEALS TO THE BOARD OF ADJUSTMENT.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Whiteville may establish by ordinance general and reasonable rules fixing the time within which appeals shall be taken from any order, requirement, decision or determination made by the town manager, the building inspector or any other administrative official charged with the enforcement of any ordinance adopted pursuant to Article 14 of Chapter 160 of the General Statutes, and general and reasonable rules regulating the procedure for taking such appeals, for the giving of notice to interested parties and to the general public (including reasonable notice in a newspaper published in the Town of Whiteville), for the conduct of hearings by the Board of Adjustment, for keeping the records by the Board of Adjustment and for the issuance of certificates of its decisions by the Board of Adjustment. The governing body of the town may prescribe by ordinance the forms of notices, orders, and certificates to be issued by said Board of Adjustment and to be used in proceedings before said board, and may from time to time amend such general rules and regulations. Said governing body may require reasonable costs to be advanced by appellants, so as to defray the expenses of the town in connection with such appeals and hearings.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 814 CHAPTER 788

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF WHITEVILLE TO REGULATE BY ORDINANCE THE DEADLINE FOR FILING FOR MUNICIPAL OFFICES.

The General Assembly of North Carolina do enact:

Section 1. In any election for municipal offices, the governing body of the Town of Whiteville may fix by ordinance a reasonable deadline before which the names of candidates for Mayor and Councilmen shall be filed with the Town Clerk and Treasurer. Names filed after such deadline may be voted on by "write-in" ballots, but the governing body shall not be required to place such names on the official printed ballots or on the voting machine.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 815 CHAPTER 789

AN ACT TO AMEND CHAPTER 172 OF THE SESSION LAWS OF 1957 RELATING TO THE ELECTION OF THE GOVERNING BODY OF THE TOWN OF WHITEVILLE IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 172 of the Session Laws of 1957 is hereby amended by adding a second and third paragraph to read as follows:

"If a vacancy should occur among the Councilmen thirty days or more before a regular election, such vacancy shall be filled by a vote of the people at such regular election. During the interim between the date the vacancy occurs and the time that a successor is elected and qualifies, such vacancy shall be filled by appointment of the governing board. If there be one such vacancy among the Councilmen, the candidate receiving the third highest number of votes for membership on the Council at the regular election shall serve for the remainder of the unexpired term. If there be two such vacancies, the candidates for membership on the Council receiving the third and fourth highest number of votes shall serve for the remainder of the unexpired terms. Otherwise, vacancies on the Council shall be filled as provided by G. S. 160-344.

"The Mayor and Councilmen shall be known as the Town Council."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 816 CHAPTER 790

AN ACT TO PROVIDE FOR THE PLAN "D" METHOD OF CITY GOVERNMENT FOR THE TOWN OF WHITEVILLE IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Plan "D", Mayor, City Council, and City Manager method of city government, as provided by Article 22 of Chapter 160 of the General Statutes of North Carolina, including Sections 160-338 through 160-351, is declared to be the plan of government now applicable to the Town of Whiteville, subject to Chapter 172 of the Session Laws of 1957, as amended by Chapter ..... of the Session Laws of 1959, relating to the election of the Mayor and members of the Town Council.

Sec. 2. The Town of Whiteville and its governing body, the Town Council, consisting of a Mayor and four Councilmen, shall have, exercise and enjoy all the rights, immunities, powers and privileges provided for municipal corporations by the general laws of the State of North Carolina, including, but not limited to, Chapter 160 of the General Statutes of North Carolina.

Sec. 3. Section 49, Chapter 267 of the Private Laws of 1891 is hereby repealed. All portions of Chapter 267 of the Private Laws of 1891 entitled "An Act to Incorporate the Town of Whiteville in Columbus County," and Chapter 33 of the Private Laws of 1919, which limit the rights, immunities, powers and privileges for the Town of Whiteville and its governing body to less than those provided for municipal corporations by the general laws of North Carolina including, but not limited to, Chapter 160 of the General Statutes, are hereby repealed.

Sec. 4. Whenever said Chapter 267 of the Private Laws of 1891 is in conflict with the provisions of Chapter 160 of the General Statutes of North Carolina, the provisions of the latter shall prevail.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 839 **CHAPTER 791**

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The following named persons be, and they are hereby appointed justices of the peace for their respective townships and counties in North Carolina, for a term of two years, said terms to begin on July 1, 1959, unless otherwise provided in this Act: Provided, that they may qualify at any time within ninety (90) days after the beginning of their term.

Alamance County

Patterson Township: J. C. B. Hester

Coble Township: J. Ernest Crabtree

Boone Station Township: H. D. Lambeth, Sr., William Haley

Morton Township: C. L. Simpson

Faucette Township: J. C. Hall, Walter H. Garrison

Graham Township: C. C. Bayliff, J. M. Buckner, A. Ross Henderson

Albright Township: Roy Holt

Newlin Township: Harold Braxton, W. M. Talbert, E. Loy Guthrie

Thompson Township: George B. Bason, Adrian Jobe, R. B. Newlin

Melville Township: C. Dewey Covington, W. S. Harris, Sr., Norman Wood, L. C. Gardner

Pleasant Grove Township: Julian E. Sellars, J. Floyd Bowland

Burlington Township: R. E. Harden, M. C. Loy, Bill Hilliard

Haw River Township: Roger P. Ingram, J. Manly Williamson

Alleghany County

Gap Civil Township: B. F. Wagoner, G. Glenn Nichols

Anson County

Wadesboro Township: H. C. Gray, C. H. Ferguson, Frank Jones, Alvin Butler

Ansonville Township: Glenn K. Martin, J. D. Porter, T. E. Griffin, Ray Hendley

Burnsville Township: Samp Curlee, J. C. Edwards, J. P. Gaddy, Ray Lee, G. H. Parker

Gulledge Township: Jerome Adams, William R. Burr, Ben C. Jones, E. G. Jones, R. D. R. Little, Jesse R. Ratliff, W. C. Webb

Lanesboro Township: Tom W. Allen, James Austin, Ernest Caudle, Stephen Funderburk, C. W. Maness, L. W. Medlin, Frank McCollom, Robert Glenn, Press Thomas, J. R. Glenn

Lilesville Township: Beverly Allen, James Clark, J. G. Williams

Morven Township: Susan E. Braswell, C. E. Ratliff, Marion T. Ratliff, Milton D. Stegall, Robert W. Thomas

White Store Township: A. B. Collins, L. Huntley, Jr., John Leonard, Joe Lowery, C. B. Morgan

Ashe County

Piney Creek Township: A. A. Perry
Pine Swamp Township: A. H. Church
Hurricane Township: Fred D. Blevins
North Fork Township: B. H. Duncan
Jefferson Township: Tom Cockerham
West Jefferson Township: W. L. Tucker, C. O. Parsons, D. N. Pless

Avery County

Linville Township: Julian Forbes Greene, W. S. Bowman, Sewell C. Laughridge, L. W. Suddreth, Earl La Berbera, Finley Banner, J. L. Hartley, Jr., Joseph T. Bannon and Robert B. Guy
Roaring Creek: Horton Cooper, Mack McCourry
Buck Mt. Township: A. I. Greene
Toe River Township: Zellian McCourry, Arizona Hughes
Cranberry Township: Lucille Winters, R. L. Cloniger
Banner Elk Township: Robert Guy

Beaufort County

Long Acres Township: Harvey C. Elliott

Bertie County

Windsor Township: Joe S. Warlick, J. L. Perry, Lacy M. Early, John G. Hoggard
Merry Hill Township: Bernard L. Smithwick
Colerain Township: Lee O. Perry, H. R. Perry, W. S. Tayloe
Roxobel Township: J. G. Hall, Sr.
Mitchell Township: W. G. Slade
Snakebite Township: Henry Dempsey

Bladen County

Bladenboro Township: J. O. Bullard
Brown Marsh Township: Wade Tart
Elizabethtown Township: C. C. Campbell

Brunswick County

Northwest Township: Charles W. Harvell

Burke County

Morganton Township: T. Earl Franklin
Drexel Township: L. B. Bollinger, Ervin A. Stamey, Harold Miller, William T. Burns
Lovelady Township: Oliver D. Keever, Gus Jacumin, John Henry Causey, Kermit W. (Kay) Scruggs
Icard Township: Curtis L. Bolick, W. G. Johnson, D. A. Hutto, Henry M. Carpenter, Forest H. Berry, Boyd Owens, R. F. Berry, Sr.
Lower Fort Township: Robert Frazier Chapman, Gus Peeler, Glen P. Hoyle
Lower Creek Township: W. S. Hallyburton
Upper Creek Township: Clyde Barnhill
Silver Creek Township: Maie Propst Lane
Jonas Ridge Township: Evelyn L. Poore, W. M. Shuffler

Cabarrus County

No. 4 Township: Ira T. Chapman, E. A. Johnson, F. L. Chambers, M. N. Robinson, W. S. McCommons

No. 12 Township: Ira Padgett, Sam Boger, Ray Wilkerson, Earl S. Allen

Camden County

Shiloh Township: W. B. Harrison

Courthouse Township: S. B. Seymour, R. L. Whaley

Carteret County

Cedar Island Township: E. T. Gaskill

Caswell County

Anderson Township: D. O. Chandler, I. W. Fitch

Dan River Township: F. W. Allen, H. P. Hunt

Hightowers Township: H. B. Claton, Joseph H. Warren, L. L. Nelson, C. Frank Smith

Leasburg Township: Robert Briggs

Locust Hill Township: W. A. Cobb

Milton Township: J. F. Pointer, J. V. Hudson, Mrs. Iola T. Gwyn

Pelham Township: G. W. White, W. M. Zimmerman, William T. Gentry, Mrs. Erma P. Fowlkes, Herbert McDowell

Stoney Creek Township: Clarence Matkins, William L. Boone, W. D. Garrison

Yanceyville Township: H. R. Thompson, Arthur Moorefield, Jr.

Chatham County

Williams Township: Jesse Owen Fearrington

Cherokee County

Murphy Township: M. S. Richards, J. W. Odell

Valleytown Township: Sam W. Jones

Shoal Creek Township: Lon Raper

Chowan County

1st. Township: F. W. Hobbs, R. L. Pratt

Clay County

No. 1 Township: Ben H. Martin, Jim Rogers

Cleveland County

No. 2 Township: Guy P. Hamrick

No. 3 Township: L. G. Albea, W. G. Graham

No. 4 Township: J. Lee Roberts

No. 6 Township: E. W. Dixon

No. 8 Township: H. H. Gold, Herbert Shuford, Warren Toney

No. 9 Township: Cline O. Lee, David E. Wease

No. 10 Township: J. L. Propst

Columbus County

South Williams Township: B. B. Courtney

Ransom Township: L. V. Connor, A. V. Scully

Whiteville Township: Italy Marlowe, Bruce Williamson, W. L. White, Bill Stover

Chadbourn Township: W. M. Andrews, T. S. Lewis

Fair Bluff Township: W. A. Bracey

Bolton Township: Isaac Stanley Faulk

Cumberland County

Cross Creek Township: James L. Fabrikant

Davie County

Jerusalem Township: Walter Wilson, Hayden Steller, G. W. Jordan

North Mocksville Township: John Waters, Maxaline Alexander, Thomas R. Cope

Farmington Township: Gilmer Ellis, Ed Johnson, J. R. Smith

East Shady Grove Township: Taylor Howard, Mrs. Alpha Vogler, Louise Zimmerman

West Shady Grove Township: Mary Robertson, Mrs. Ralph Jones, Mrs. Florence Mock

Fulton Township: Robert Lee Seaforth, Mrs. Clarence Carter, Floyd Monday

Clarksville Township: Joe H. Harpe, Cedric Smoot, Linnie Peoples

South Mocksville Township: Glenn Hammer, Hilary Arnold, R. P. Martin, C. W. Woodruffin

North Calahan Township: N. B. Dyson, W. L. Reeves

South Calahan Township: Mrs. Ernest Lagle, Claude Cartner

Duplin County

Cypress Creek Township: William Elmo Maready

Edgecombe County

No. 1 Township: R. D. Thompson, III

No. 3 Township: J. K. Turner

Franklin County

Dunn Township: H. B. Harris, W. Horace Baker, M. C. Pearce

Harris Township: M. L. Fowler, H. T. Rogers

Youngsville Township: Melvin J. Young

Franklinton Township: Calvin W. Brown, John T. Sawyer, Owen Wilder, Arthur Webb

Hayesville Township: R. G. Winn

Sandy Creek Township: J. L. Foster, Jasper Parrish, Hugh Moseley

Gold Mine Township: L. S. Ward, Esley Manning

Cedar Rock Township: T. W. Boone, D. C. Swanson

Cypress Creek Township: Lonnie Turnage and Avery Stallings

Louisburg Township: W. J. Shearin, Frances B. Spivey, William H. Horton

Gaston County

Gastonia Township: Crawford Dalton

Gates County

Gatesville Township: Aaron L. Lilley
Holly Grove Township: S. E. Riddick
Mintonville Township: P. D. Hobbs
Hazeletts Township: J. C. Carroll

Graham County

Cheoah Township: Carl Phillips, J. J. Dalua
Yellow Creek Township: Clark McMilligan

Granville County

Dutchville Township: Marguerite H. Hibbs, M. O. Lester
Brassfield Township: William A. Jenkins
Oxford Township: C. R. Gordon, J. G. Wheeler, Jr., L. H. Davis, Joseph K. Bryan, Jr.
Oak Hill Township: R. C. Pittard, S. M. Watkins
Walnut Grove Township: J. L. Williford
Tally Ho Township: L. D. Franklin

Harnett County

Averasboro Township: Geo. W. Williams, Geo. F. Owens, Mallie A. Jackson, A. B. Adams
Anderson Creek Township: Ernest Darrock, W. E. Lassiter
Barbecue Township: G. L. Cameron, Carey Howard
Black River Township: C. E. Denning, W. B. Williams, N. I. Dupree, Jack Marley
Buckhorn Township: L. B. McKinnie, Jeter Jones, J. Leo Betts
Duke Township: L. B. McLean, James E. Glover, John Page, C. G. Colville, Fred W. Brown, Harvey Williams
Grove Township: Ralvin McLeod, C. J. Turlington, J. B. Williams, H. A. Turlington, Sr., Roy Langdon, C. B. Dixon, Graham Byrd
Hector's Creek Township: D. R. Smith, R. L. Lanier, B. F. Kendall, Tyree Senter
Johnsonville Township: E. J. Gilchrist, Geo. A. McKay
Lillington Township: Geo. Truitt Johnson, M. B. Stewart
Neill's Creek Township: H. T. Hight, Edward Gaskins
Stewart's Creek Township: Herbert Williams, Thomas Allen
Upper Little River Township: B. B. Holder, J. S. McLean, Dougald McRae, H. M. O'Quinn, Roy H. Brown, T. H. Morrison

Haywood County

Clyde Township: Larry H. Cagle
Crabtree Township: Gilmer Sanford
Beaverdam Township: R. R. Mease, W. S. McElrath
Fines Creek Township: C. B. McCracken
Waynesville Township: J. J. Ferguson
Pigeon Township: Gaston Burnette
East Fork Township: J. Bryan Heatherly
Jonathan Township: R. W. Howell

Hertford County

Ahoskie Township: J. Stanley Vinson, J. N. Vann, Eugene Mustian
Winton Township: P. S. Jordan, W. L. Daniel
Murfreesboro Township: Harry Council, R. H. Underwood
Saint Johns Township: C. R. Cooke
Harrellsville Township: Maynard W. Callis
Maneys Neck Township: Edwin W. Evans

Hoke County

Raeford Township: Helen Snow Barrington

Hyde County

Lake Landing Township: J. M. Long
Currituck Township: John Worth Moore

Iredell County

Turnersburg Township: A. M. Gaither
Statesville Township: Sam T. Laws
Coddle Creek Township: H. C. Miller
Union Grove Township: H. P. VanHoy

Jackson County

Cashiers Township: Lynch Dillard
Canada 1 Township: Roy Mathis
Canada 2 Township: Milas Galloway, Mitchel Shelton
Caney Fork Township: J. C. Shuler
Cullowhee Township: John Phillips
Dillsboro Township: Boyd Brown
Greens Creek Township: G. L. Green
Hamburg Township: Redell Breedlove
River Township: J. H. Middleton
Savannah Township: John Dietz, Ferry Buchanan
Balsam Township: George Knight
Webster Township: Henry Pangle

Johnston County

Wilders Township: D. Marvin Price

Lee County

West Sanford Township: K. E. Seymour
Deep River Township: Jessie Sloan, Julian Causey
Jonesboro Township: Percy Measmer, Oscar Keller
East Sanford Township: Clyde Atkins, Stacey Love, Glenn Phillips
Greenwood Township: T. C. Adams

Macon County

Highlands Township: Charles F. McKinney
Franklin Township: Sam J. Murray, J. Lee Barnard

Madison County

No. 1 Township: Zeb Merrell, John Ward, Garrett Metcalf
No. 2 Township: Lee Roy Shelton, Bennie Gunter
No. 4 Township: Clyde Rice
No. 7 Township: B. J. Ledford
No. 11 Township: Fred Edmonds
No. 13 Township: Caney Smith
No. 15 Township: Walter Bennett

Martin County

Hamilton Township: J. L. Etheridge, H. A. Haislip
Jamesville Township: O. P. Wolfe
Goose Nest Township: W. E. Early
Williamston Township: W. M. Tetterton, C. R. Mobley
Robersonville Township: H. S. Everett

McDowell County

Old Fort Township: W. L. Dalton

Mitchell County

Bakersville Township: Brown McKinney, R. Burns Turner, J. C. Burleson
Snow Creek Township: W. B. Ellis, Clarence Hensley
Cane Creek Township: J. H. DeGroat
Red Hill Township: Frank Jones, Dolph Peterson
Poplar Township: Briscoe Peterson
Harrell Township: Robert (Bob) Street, W. D. Ledford, Joe M. Street, Jr.
Grassy Creek Township: Clifton Gibbs, Clyde Pritchard, O. V. Coulter, Jack Tappan
Bradshaw Township: John Bradshaw
Little Rock Creek Township: Aught Burleson
Fork Mountain Township: Dewey Burleson

Montgomery County

Ophir Township: N. W. Davis
Troy Township: R. B. Reynolds
Biscoe Township: Joanna F. Steed
Mt. Gilead Township: J. O. Russell

Nash County

Dry Wells Township: D. H. Bunn, Jr.
Rocky Mount Township: W. S. Swain, Jr., James T. Buffaloe, J. H. Valentine
Whitakers Township: Richard S. Cutchin

Northampton County

Gaston Township: John C. Gay, G. A. Brewer
Kirby Township: Otis Ricks, D. W. Barnes
Rich Square Township: James G. Collier, A. M. Futrell, Walter Reinhardt, Ralph Thompson

Pleasant Hill Township: Romie E. Coker
Seaboard Township: Z. L. Davenport, Russell Lee Bass
Jackson Township: W. E. Harris, L. R. Taylor, L. T. Warrick, Howard Rogers

Onslow County

Stump Sound Township: Paul S. Pate

Pamlico County

No. 1 Township: Herbert M. Harris
No. 3 Township: Earl C. Miller, E. M. Harris

Perquimans County

Hertford Township: D. J. Pritchard

Person County

Mt. Tirzah Township: R. P. Moore, Ben S. Glenn
Roxboro Township: S. C. Tillman, J. Alex Bass, W. W. Woods, J. Brodie Riggsbee, P. T. Whitt, Sr.
Allenville Township: Bradsher Gentry
Cunningham Township: N. H. Montgomery
Flat River Township: S. O. Jones
Holloway Township: Mrs. Grace Gillis
Olive Hill Township: Charles G. Nelson
Woodsdale Township: Mrs. Cleo Bailey

Polk County

Saluda Township: A. A. Atkins
White Oak Township: Oliver Taylor
Shields Township: Earl Swain
Cooper's Gap Township: Leonard Greene, G. H. Ruff
Tryon Township: Nelson Leonard

Randolph County

Trinity Township: Reggie D. Auman
Randleman Township: James L. Coble

Richmond County

Wolf Pit Township: Virgil Wilson

Robeson County

Fairmont Township: M. S. Griffin, R. C. Bullock, Ray Lewis, C. D. Pittman
Lumberton Township: Alfred P. Page, John H. Taylor, B. F. McMillan, E. J. Glover, J. H. Barrington, Charles Morgret, G. W. West, Wallace R. Pittman, Leroy Freeman, A. B. Stalvey, Max Bryan, Alfred Parnell, E. Troy Nye, Dixon Britt
Parkton Township: T. B. McNeill, W. G. Britt
Red Springs Township: Morrison Peterson, W. B. Robeson, M. N. McRainey
Rennert Township: Charles R. Tolar
Saddletree Township: Grady S. Harrell, W. P. Humphrey

St. Pauls Township: Lonnie Carroll, J. H. Brisson, Mrs. Elsie Simmons Inman, J. A. Armstrong, D. E. Hendrix
Wisharts Township: Durwood West
Pembroke Township: James A. Jacobs
Maxton Township: Robert W. Fisher
Rowland Township: Hubert Stone

Rockingham County

Madison Township: P. H. Scales
Leaksville Township: Russell W. Hunter
New Bethel Township: W. Garrett Sharp

Rowan County

Salisbury Township: Fred A. Loflin, F. M. Yancey, Roy A. Beaver, Rachael C. Lucas, E. F. Weddington
China Grove Township: A. H. Spry, Rufus Honeycutt, A. L. Deal, Robert G. Ellison
Mount Ulla Township: Pauline R. Overcash
Gold Hill Township: Isobel T. Barrier

Sampson County

Plainview Township: E. B. Lockamy
Herring Township: R. L. Flynn
Mingo Township: Cranford McMillian

Stanly County

South Albemarle Township: John Sam Keever
North Albemarle Township: Margaret T. Kennedy, W. M. Kearns, R. Parker Miller

Stokes County

Danbury Township: S. P. Christian
Peter's Creek Township: Joel H. Hart
Quaker Gap Township: W. D. Cox
Snow Creek Township: J. Moir Hawkins
Yadkin Township: J. L. Christian, J. S. Garner

Swain County

Charleston Township: Harold Jenkins

Transylvania County

Brevard Township: Alex Kize, Sr.

Tyrrell County

Columbia Township: Henry L. Reynolds, J. W. Hamilton
Gum Neck Township: R. Bruce Cohoon
Scuppernong Township: E. R. Davenport

Union County

Monroe Township: R. F. Beasley, O. L. Brasswell, W. C. Carnes, J. Emmett Griffin, J. M. McRorie, Frank T. Stowe
Jackson Township: T. R. Nisbit
Marshville Township: Fred L. Plyler

Vance County

Henderson Township: F. B. Hight, Jr., F. B. Hight, Dave H. Stallings, S. W. Renn, C. P. Lowry, Gordan T. Bobbitt, J. D. Peck, Albert Burke
Dabney Township: G. W. Norwood
Townsville Township: C. H. Guerrant, John E. Wilson

Warren County

Warrenton Township: J. C. Moore, Edward Petar

Washington County

Plymouth Township: C. M. Beasley, J. T. McNair
Lees Mill Township: Wade S. Hardison
Skinnersville Township: J. Whitford Swain
Scuppernong Township: J. A. Combs

Wayne County

Goldsboro Township: John Henry Mitchell

Wilkes County

Beaver Creek Township: T. W. Ferguson
Edwards Township: C. L. Sprinkle, Henry F. Pepper
Lewis Fork Township: Colin Foster
Mulberry Township: Stacy H. Jones
New Castle Township: C. W. Hanes
North Wilkesboro Township: Mansfield Minton, C. G. Durham
Rock Creek Township: H. M. Wiles, Brice David Johnston, Harrison Felts
Somers Township: Phola Pardue
Stanton Township: W. S. Fletcher
Traphill Township: W. B. Hall
Walnut Cove Township: L. F. Caudill
Wilkesboro Township: C. G. Glass, W. B. Warner, Frances B. Somers, Elsie Foster
Reddies River Township: A. G. Bumgarner

Wilson County

Wilson Township: M. M. Applewhite, John D. Wilson, Grace T. Brinkley
Cross Roads Township: Mrs. Georgia Frost Barnes
Spring Hill Township: Walter Kirby
Toisnot Township: George E. Tyson

Yadkin County

East Bend Township: O. C. Scott
Buck Shoals Township: Gerald B. Boles
Liberty Township: N. P. Bryant

Yancey County

Burnsville Township: G. M. Angel, L. E. Briggs, W. Molt Hensley, H. G. Bailey
Cane River Township: Willard M. Hensley
Egypt Township: I. R. Wilson

Ramseytown Township: R. E. Hollaway
Jacks Creek Township: John Fox, Adrian Buchanan
Green Mountain Township: M. D. Bailey, Richard Howell
Crabtree Township: R. N. Silver
South Toe Township: L. M. Robinson
Prices Creek Township: Charles Edwards, H. T. Phoenix
Pensacola Township: Cleophus Robinson, Jr.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 841 CHAPTER 792

AN ACT TO PROVIDE FOR INCREASING THE NUMBER OF COUNTY COMMISSIONERS OF WAKE COUNTY FROM FIVE TO SEVEN AND RELATING TO THE ELECTION AND TERMS OF COUNTY COMMISSIONERS IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subject to the will of the voters of Wake County as expressed in a special election hereinafter provided for, there shall be, and the same are hereby created, five districts in Wake County for the election of County Commissioners.

Sec. 2. Said five districts shall comprise the following townships:

(a) District number one shall be composed of Little River, Marks Creek and St. Matthews Townships.

(b) District number two shall be composed of St. Mary's, Swift Creek, Panther Branch and Middle Creek Townships.

(c) District number three shall be composed of Meredith, Cary, Buckhorn, Cedar Fork, Holly Springs and White Oak Townships.

(d) District number four shall be composed of Barton's Creek, Wake Forest, Neuse, Leesville, House Creek and New Light Townships.

(e) District number five shall be composed of Raleigh Township.

Sec. 3. In the primary and general elections in 1960, and quadrennially thereafter, there shall be nominated and elected for a term of four years each one county commissioner from Districts numbers four and five. At the primary and general elections in 1962, there shall be nominated and elected for terms of four years each one county commissioner each from districts numbers one, two and three. Thereafter, as their terms of office expire the commissioners shall be elected for terms of four years each and shall serve until their successors are elected and qualified.

Sec. 4. The candidates in the primary from each respective district shall be voted on by all the voters of Wake County and the candidate or candidates from each respective district who shall receive the majority of votes cast shall be declared to be the nominee or nominees of his or their party, duly nominated as the candidate or candidates from said district for the

general election, and the said candidates shall be voted on in the ensuing general election by all the voters of Wake County.

Sec. 5. The general laws governing the election of county commissioners not in conflict with this Act shall apply to nomination and election of County Commissioners in Wake County.

Sec. 6. Upon approval of this Act by the voters of Wake County, at the primary and general elections to be held in Wake County in 1962 there shall be nominated and elected from district number five two additional county commissioners. At the general election in 1962 the candidate from district number five receiving the highest number of votes shall be elected and shall serve for a term of four years, and the candidate receiving the next highest number of votes shall be elected and shall serve for a term of two years. Thereafter, as their terms of office expire, candidates for said offices shall be elected for terms of four years each and shall serve until their successors are elected and qualified.

Sec. 7. There is hereby ordered a special election to be held in Wake County on the date which may be established for the regular biennial primaries, at which the terms and provisions of this Act shall be submitted to the voters of Wake County. The Wake County Board of Elections shall prepare and distribute ballots on which shall be printed the words and figures "FOR the proposal to increase the membership of the Board of County Commissioners of Wake County from five to seven so as to provide a total of three commissioners from Raleigh Township" and "AGAINST the proposal to increase the membership of the Board of County Commissioners of Wake County from five to seven so as to provide a total of three commissioners from Raleigh Township", with voting squares to the left of the words "FOR" and "AGAINST".

Sec. 8. If at the special election a majority of the voters of Wake County voting in said election cast their ballots "FOR the proposal to increase the membership of the Board of County Commissioners of Wake County from five to seven so as to provide a total of three commissioners from Raleigh Township" the provisions of this Act shall forthwith be effective. If at the said special election a majority of the voters of Wake County voting in said election cast their ballots "AGAINST the proposal to increase the membership of the Board of County Commissioners of Wake County from five to seven so as to provide a total of three commissioners from Raleigh Township", then the provisions of this Act shall be ineffective and the number, election and terms of the County Commissioners of Wake County shall be and remain as presently provided by law.

Sec. 9. After said special election above provided for, the Wake County Board of Elections shall meet, canvass the returns and declare the results thereof.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. Except as otherwise provided by express terms, this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 845 **CHAPTER 793**

AN ACT REWRITING SECTION 4, CHAPTER 596, SESSION LAWS OF 1949, RELATING TO THE ELECTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF WALLACE.

The General Assembly of North Carolina do enact:

Section 1. That Section 4, Chapter 596, Session Laws of 1949, be and the same is hereby rewritten to read as follows:

"Sec. 4. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this charter, all powers of the town shall be vested in a Board of Commissioners of five members and a mayor, nominated and elected from the town at large in the manner hereinafter provided.

"At the general municipal election to be held in said town in 1961, there shall be elected five town commissioners. At said election the two candidates for commissioner receiving the highest number of votes shall be elected and shall serve for terms of four years each, and the three candidates receiving the next highest number of votes shall be elected and shall serve for terms of two years each. Thereafter, the term of office of each member of said Board of Commissioners shall be four years and until their successors shall be duly elected and qualified. The term of office of the mayor shall be two years and until his successor shall be duly elected and qualified. If a vacancy occurs in the office of mayor or commissioner, it shall be filled until the next general election by a majority vote of the remaining members of the Board of Commissioners.

"The mayor and each member of the Board of Commissioners shall receive a salary, the amount of which shall be prescribed by ordinance.

"The mayor and members of the Board of Commissioners shall be qualified electors of the town. A mayor or member of the Board of Commissioners ceasing to possess any of the qualifications specified in this Section, or who shall be convicted of a felony or a crime involving moral turpitude while in office, shall immediately forfeit his office."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 846 **CHAPTER 794**

AN ACT TO AMEND G. S. 2-53 RELATING TO THE PAYMENT OF MONEY FOR INDIGENT CHILDREN AND PERSONS NON COMPOS MENTIS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 2-53 is hereby amended by striking out the words "five hundred dollars" in line one thereof and substituting therefor the words and figures "one thousand dollars ($1,000.00)".

Sec. 2. G. S. 2-53 is hereby further amended by striking out the figure "$500.00" in line fifteen thereof and substituting therefor the words and figures "one thousand dollars ($1,000.00)".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 848 CHAPTER 795

AN ACT TO AMEND G. S. 28-68 RELATING TO THE PAYMENT TO THE CLERK OF MONEY OWED TO AN INTESTATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-68(a) (2) is hereby amended by striking out the figures "$500.00" appearing therein and by substituting in lieu thereof the words and figures "one thousand dollars ($1,000.00)".

Sec. 2. G. S. 28-68(a) (3) is hereby amended by striking out the figures "$500.00" in line 2 thereof and by substituting in lieu thereof the words and figures "one thousand dollars ($1,000.00)".

Sec. 3. G. S. 28-68(b) is hereby amended by striking out the figures "$500.00" in lines 2 and 4 thereof and by substituting in lieu thereof the words and figures "one thousand dollars ($1,000.00)".

Sec. 4. G. S. 28-68(c) is hereby amended by striking out the figures "$500.00" in line 2 thereof and by substituting in lieu thereof the words and figures "one thousand dollars ($1,000.00)".

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 849 CHAPTER 796

AN ACT TO AMEND ARTICLE 4 OF CHAPTER 119 OF THE GENERAL STATUTES, REPLACEMENT VOLUME OF 1958, RELATING TO SAFETY REGULATIONS IN THE DESIGN, LOCATION, INSTALLATION AND OPERATION OF EQUIPMENT AND FACILITIES FOR STORING, HANDLING, AND TRANSPORTING AND UTILIZING LIQUIFIED PETROLEUM GAS FOR FUEL OR HEATING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 119-48, Replacement Volume of 1958, is hereby rewritten so that the same shall hereafter read as follows:

"Sec. 119-48. Purpose; Definition. Liquefied petroleum gas is a practical and universally used heating fuel, but because of its general nature requires caution in the design, construction, location, installation and operation of equipment used in handling, storing, measuring, transporting,

distributing and utilizing the same. The purpose of this Act, therefore, is to provide for the adoption of a code of safety regulations and the enforcement thereof, and, further, to provide for the adoption and promulgation of such other rules and regulations as may be deemed necessary in the enforcement of this Article.

"The term 'liquefied petroleum gas' as used in this Article shall mean and include any material which is composed predominately of any of the following: Hydrocarbon, or mixtures of the same; propane, propylene, butanes (normal butanes or isobutane), butylenes."

Sec. 2. G. S. 119-49, Replacement Volume of 1958, is hereby rewritten so that the same shall hereafter read as follows:

"Sec. 119-49. Safety Standards. The standards as set forth in Pamphlet No. 58 of the National Board of Fire Underwriters entitled: 'Standards of National Board of Fire Underwriters for the Storage and Handling of Liquefied Petroleum Gases as Recommended by the National Fire Protection Association' and Pamphlet No. 52 of the National Fire Protection Association entitled: 'Liquefied Petroleum Gas Piping and Appliance Installations in Buildings', be, and the same are hereby, adopted as if set forth herein as safety standards in the design, construction, location, installation and operation of equipment and facilities used in handling, storing, measuring, transporting, distributing and utilizing liquefied petroleum gases: Provided, that the North Carolina State Board of Agriculture shall have the right, power and authority to adopt or to reject or to add to any provision or provisions set forth in said Pamphlets Nos. 58 and 52, as above entitled, after a public hearing held upon reasonable notice, and upon such adoption said provision or provisions shall become and constitute a safety code or a part of same. Any municipality or other political subdivision desiring to adopt and enforce the code herein adopted or the rules and regulations adopted by the North Carolina State Board of Agriculture may employ an inspector for such enforcement who shall be under the supervision of the Commissioner of Agriculture and the inspection service of such municipality shall be the same or substantially equivalent to that rendered by the State in the enforcement of the provisions of this Article."

Sec. 3. G. S. 119-53, Replacement Volume of 1958, is hereby rewritten so that the same shall hereafter read as follows:

"Sec. 119-53. Unlawful Acts. It shall be unlawful for any person, firm or corporation to handle, store or distribute liquefied petroleum gas contrary to and in violation of the safety code adopted by reference in this Article or any amendments, additions or revisions of such safety code that may be adopted by the North Carolina State Board of Agriculture, as provided in this Article."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Article are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after October 1, 1959.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 850 CHAPTER 797

AN ACT TO AMEND G. S. 47-108.5 SO AS TO VALIDATE CERTAIN DEEDS EXECUTED IN OTHER STATES WHERE THE SEAL WAS OMITTED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-108.5 is hereby amended by rewriting said Section in its entirety to read as follows:

"All deeds to lands in North Carolina, executed prior to January 1, 1959, without seal attached to the maker's name, which deeds were acknowledged in another state, the laws of which do not require a seal for the validity of a conveyance of real property located in that state, and which deeds have been duly recorded in this State, shall be as valid to all intents and purposes as if the same had been executed under seal."

Sec. 2. The provisions of this Act shall not apply to any pending litigation.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 855 CHAPTER 798

AN ACT AUTHORIZING PAYMENT FOR SERVICES OF AN ACCOUNTANT BY HYDE COUNTY DRAINAGE DISTRICT NO. 7.

The General Assembly of North Carolina do enact:

Section 1. The Board of Drainage Commissioners of Hyde County Drainage District No. 7 is hereby authorized, in its discretion, to pay from the funds of the District not exceeding twenty-five dollars ($25.00) per month for the services of an accountant in connection with the operation of said District.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 858 CHAPTER 799

AN ACT TO AMEND G. S. 122-93 RELATING TO THE DISPOSITION OF CERTAIN LANDS AT CAMP BUTNER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 122-93, 1958 Replacement Volume 3B, is amended by inserting in line 3 after the comma following the word "Butner" and before the word "under", the following:

"and to use the funds acquired as a result of such disposition,".

Sec. 2. G. S. 122-93, 1958 Replacement Volume 3B, is amended by deleting all of the words and figures beginning with the word "fully" in line 6 and ending with the figures "143-151" in line 8, and inserting in lieu thereof the words and figures as follows:

"otherwise comply with the procedures outlined in Chapter 146 of the General Statutes of North Carolina and other applicable laws."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 867 CHAPTER 800

AN ACT TO AMEND ARTICLE 9 OF CHAPTER 44 OF THE GENERAL STATUTES TO REQUIRE NOTICE BE GIVEN TO PERFECT LIENS ON MONEY RECOVERED FOR PERSONAL INJURIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 44-49 is hereby amended by striking out the words "arising with respect to any future actions" from lines 13 and 14 thereof and substituting therefor the word "whatsoever".

Sec. 2. G. S. 44-50 is hereby amended by striking out the words "A like lien shall attach to" in lines 1 and 2 thereof and substituting therefor the words "Such a lien as provided for in G. S. 44-49 shall also attach upon".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective October 1, 1959.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 868 CHAPTER 801

AN ACT TO VALIDATE THE MUNICIPAL ELECTION OF MAY 5, 1959, OF THE TOWN OF MAXTON IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Any and all acts heretofore done by the Board of Commissioners of the Town of Maxton and the election officials of said town pertaining to the municipal election held on May 5, 1959, and the election of the mayor and two commissioners at said municipal election are hereby in all respects ratified, confirmed and validated.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 884 **CHAPTER 802**

AN ACT AUTHORIZING ANY MUNICIPALITY HAVING A MUNICIPAL BOARD OF HEALTH TO FIX THE METHOD OF APPOINTMENT AND TERMS OF OFFICE OF THE MEMBERS OF SAID BOARD OF HEALTH.

The General Assembly of North Carolina do enact:

Section 1. From and after the first day of June, 1959 the governing body of any municipality then having or operating a municipal board of health is authorized by ordinance to fix the method of appointment or selection of the members of said board of health. The mayor and city manager, if there be a city manager, shall be ex officio members of the board with the power to vote. The remaining members of the board shall consist of three members of the governing body of such municipality, two licensed physicians and one licensed dentist.

Sec. 2. This Act shall not be construed as authorizing any municipality not having or operating a board of health on said date to establish, have or operate the same.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 897 **CHAPTER 803**

AN ACT TO EXTEND THE TIME FOR MAKING QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Lee County is authorized, in its discretion, to postpone until the year 1960 or 1961 the quadrennial revaluation and reassessment of real property in said county as required by G. S. 105-278.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 935 **CHAPTER 804**

AN ACT AMENDING G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That that portion of Section 7-70, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes,

which fixes the terms of Superior Court to be held in Ashe County in the Twenty-Third Judicial District, is hereby amended by adding at the end of said portion the following paragraph:

"In addition to the above terms of court, there shall be held in Ashe County the following terms of court: The seventh Monday before the first Monday in September to continue one week for the trial of criminal cases only; provided, motions and uncontested civil actions may be heard at said term."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1960.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 941 CHAPTER 805

AN ACT TO AMEND ARTICLE 3A OF CHAPTER 69 OF THE GENERAL STATUTES RELATING TO RURAL FIRE PROTECTION DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 69-25.1, 1957 Supplement to the General Statutes, is amended by striking the words and figures "ten cents (10¢)" where they appear in said Section, and inserting in lieu thereof the words and figures "fifteen cents (15¢)".

Sec. 2. G. S. 69-25.1, 1957 Supplement to the General Statutes, is amended by adding at the end thereof the following paragraph:

"Upon the petition of fifteen per cent (15%) of the resident freeholders living in an area which has previously been established as a fire protection district and in which there has been authorized by a vote of the people a special tax not exceeding ten cents (10¢) on the one hundred dollars ($100.00) valuation of property within the area, the board of county commissioners shall call an election in said area for the purpose of submitting to the qualified voters therein the question of increasing the allowable special tax for fire protection within said district from ten cents (10¢) on the one hundred dollars ($100.00) valuation to fifteen cents (15¢) on the one hundred dollars ($100.00) valuation on all taxable property within such district. Elections on the question of increasing the allowable tax rate for fire protection shall not be held within the same district at intervals less than two years."

Sec. 3. G. S. 69-25.3, 1957 Supplement to the General Statutes, is amended by adding at the end thereof the following paragraph:

"Whenever an election is called pursuant to this Act on the question of increasing the tax limit for fire protection in any area, those voters in favor of such increase therein shall vote a ballot on which shall be printed, 'In favor of tax increase for fire protection in ..... Fire Protection District'. Those who are against increasing the tax limit for fire protection therein shall vote a ballot on which shall be printed, 'Against tax increase for fire protection in ..... Fire Protec-

tion District'. The failure of the election on the question of an increase in the tax for fire protection shall not be deemed to be the abolishment of the special tax for fire protection already in effect in said district."

Sec. 4. G. S. 69-25.4, 1957 Supplement to the General Statutes, is amended by adding at the end thereof the following paragraph:

"Provided, that if a majority of the qualified voters voting at such elections vote in favor of levying and collecting a tax in such district, or vote in favor of increasing the tax limit in said district, then the board of county commissioners is authorized and directed to levy and collect a tax in such districts in such amount as it may deem necessary, not exceeding fifteen cents (15¢) on the one hundred dollars ($100.00) valuation of property in said district from year to year."

Sec. 5. G. S. 69-25.11, 1957 Supplement to the General Statutes, is amended by adding at the end thereof the following paragraph, to be designated paragraph "(c)":

"(c) In the case of adjoining fire districts having in effect the same rate of tax for fire protection, the board of county commissioners, upon petition of the fire protection commissioners and the boards of directors of the corporations furnishing fire protection in the districts affected, shall have the authority to relocate the boundary lines between such fire districts in accordance with the petition or in such other manner as to the board may seem proper. Upon receipt of such petition, the board of county commissioners shall set a date and time for a public hearing on the petition, and notice of such hearing shall be published in some newspaper having general circulation within the districts to be affected once a week for two weeks preceding the time of the hearing. Such hearings may be adjourned from time to time and no further notice is required of such adjourned hearings. In the event any boundaries of fire districts are altered or relocated under this Section, the same shall take effect at the beginning of the next succeeding fiscal year after such action is taken."

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 947 CHAPTER 806

AN ACT TO AMEND G. S. 156-84 RELATING TO LETTING OF CONTRACTS FOR CONSTRUCTION OF DRAINAGE DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 156-84, as the same appears in Volume 3C of the General Statutes, is hereby amended by striking out the words "two consecutive weeks" immediately following the word "for" and immediately preceding the word "in", in line 2 of said Section, and substituting in lieu thereof the words "one week".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 948 CHAPTER 807

AN ACT TO AMEND G. S. 156-73 RELATING TO THE NOTICE OF HEARING UPON FINAL REPORT FOR ESTABLISHMENT OF DRAINAGE DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 156-73, as the same appears in Volume 3C of the General Statutes, is hereby amended by striking out the words "twenty days" immediately following the word "than" and immediately preceding the word "thereafter", in line 7 of said Section, and substituting in lieu thereof the words "ten days".

Sec. 2. G. S. 156-73, as the same appears in Volume 3C of the General Statutes, is further amended by striking out the words "two weeks" immediately following the word "least" and immediately preceding the word "before", in line 11 of said Section, and substituting in lieu thereof the words "one week".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 954 CHAPTER 808

AN ACT TO PROVIDE FOR THE PAYMENT OF PENALTIES AND INTEREST ON ALL DELINQUENT TAXES IN FRANKLIN COUNTY INTO THE GENERAL FUND.

The General Assembly of North Carolina do enact:

Section 1. Paragraph 42 of G. S. 153-9, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by adding thereto the following new sentence: "Provided that in Franklin County all penalties and interest assessed on taxes which are delinquent for any period whatsoever may be paid into the General Fund."

Sec. 2. This Act shall apply only to Franklin County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 968 **CHAPTER 809**

AN ACT AUTHORIZING O. B. MCBROOM, R. L. WHITFIELD AND MRS. LOIS NEWMAN, TRUSTEES OF THE PERSON COUNTY COMMUNITY HOUSE, TO CONVEY FEE SIMPLE TITLE TO A PORTION OF THE LOT OWNED BY THE TRUSTEES TO THE LESTER BLACKWELL POST OF THE AMERICAN LEGION AND THE REMAINING PORTION THEREOF TO PERSON COUNTY.

WHEREAS, under the provisions of Chapter 72 of the 1935 Private Laws enacted by the General Assembly of North Carolina, the Town of Roxboro was authorized and empowered to convey title to certain real estate owned by it and which is described in said Act to named trustees so that said property could be utilized and used as a community house for the citizens of Roxboro and of Person County; and

WHEREAS, the original uses made of said property and premises after the passage of this Act have long since been abandoned and discontinued, one portion of the property now being used by the Lester Blackwell Post of the American Legion with the Legion Hut located on that portion of the same and the remaining portion thereof being used jointly by the Person County Board of Education and the Person County Library Board, the offices of the Person County Board of Education and the Person County Library being located in the building erected on that portion of the premises; and

WHEREAS, it is the opinion of the present trustees that the public interest will be promoted by the provisions of this Act: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That upon proper resolution from those civic organizations enumerated under Chapter 72 of the Private Laws of 1935 now in existence, O. B. McBroom, R. L. Whitfield and Mrs. Lois Newman, present trustees of said property, be and are hereby authorized and empowered to convey to the Lester Blackwell Post of the American Legion that portion of real estate described as follows, to wit:

BEGINNING at an iron stake in the East edge of Chub Lake Street in the Town of Roxboro, corner of lands of J. H. Hester Estate; thence with the line of Hester Estate North 67 degrees 24 minutes East 317 feet to an iron stake, corner of lands of the Hester Estate and of lands of E. A. Snipes; thence with the line of E. A. Snipes North 72 degrees 3 minutes East 54.3 feet to a stake in Snipes' line, Wade's corner; thence with line of Wade and line of E. M. Wilkerson South 25 degrees 15 minutes East 100 feet to an iron stake; thence South 76 degrees 30 minutes West 249 feet to an iron stake; thence South 13 degrees 30 minutes East 27 feet to an iron stake; thence South 80 degrees 17 minutes West 144 feet to a stake in the East edge of Chub Lake Street; thence with Chub Lake Street North 7 degrees 39 minutes West 62.3 feet to the beginning, this being as per survey made by W. R. Cates, Surveyor, on April 2, 1959.

Sec. 2. Said trustees are further authorized and empowered upon proper resolutions as set out in Section 1 of this Act to convey to Person County that portion of the aforesaid property described as follows, to wit:

BEGINNING at a stake in the East edge of Chub Lake Street in the Town of Roxboro at the southwest corner of the land to be conveyed to the American Legion Post; thence with the line of the Legion Post property North 80 degrees 17 minutes East 144 feet to a stake, North 13 degrees 30 minutes West 27 feet to a stake, North 76 degrees 30 minutes East 249 feet to a stake at the southeast corner of the Legion Post lot in line of E. M. Wilkerson; thence with the line of E. M. Wilkerson and line of E. E. Thomas South 25 degrees 15 minutes East to a stake in Thomas' line, Newell's corner; thence with Newell's line South 65 degrees 8 minutes West 114 feet to a stake, corner of lands of E. E. Thomas; thence with Thomas' line South 63 degrees 16 minutes West 255.2 feet to a stake, South 68 degrees 4 minutes West 54.4 feet to a stake in the East edge of Chub Lake Street; thence with the East edge of Chub Lake Street North 7 degrees 39 minutes West 111.5 feet to the beginning.

Sec. 3. The deeds herein authorized shall convey to the respective grantees full and complete fee simple title to the premises to be acquired by them and the full right of alienation of the premises or any part thereof, except that the deed to the Lester Blackwell Post of the American Legion shall provide that that portion of the lot to be conveyed to it lying on the South side of Tan Yard Branch may not be aliened but that the same is dedicated for use as a driveway to serve both of the lots herein described, and except that the deed to be executed by the trustees to Person County shall provide that that portion of the lot to be conveyed to it now used as a driveway shall be perpetually kept open as a driveway to serve both of the lots herein described.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 974 CHAPTER 810

AN ACT TO CREATE AND ESTABLISH THE HENDERSON FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM FOR THE CLASSIFIED FIREMEN EMPLOYEES OF THE FIRE DEPARTMENT OF THE CITY OF HENDERSON.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created and established a supplemental retirement system for the members of the Fire Department of the City of Henderson to be known as the "Henderson Firemen's Supplemental Retirement System", hereinafter referred to in this Act as "supplemental retirement system". The purpose of the creation and establishment of the supplemental retirement system, as provided for in this Act, shall be to increase, augment and add to the benefits received by the firemen of the City of Henderson who retire hereafter under the provisions of this Act as hereinafter set forth.

Sec. 2. The general administration and responsibility for the proper operation of the supplemental retirement system herein created and established and for the carrying out and making effective the provisions of this Act are hereby vested in a board of trustees who shall be chosen and selected as follows:

(a) Two members of said board of trustees shall be chosen from the membership of the Henderson Fire Department and shall be elected by a majority vote of the uniformed members of the Fire Department of the City of Henderson; one of said members shall hold office for a period of one year, and the other member so appointed shall hold office for a period of two years; thereafter, each of said two members chosen from the Henderson Fire Department shall be appointed for a term of office consisting of a period of two years each.

(b) Two members shall be appointed by the President of the Henderson Board of Fire and Casualty Underwriters; one of said members shall hold office for a period of one year, the other member so appointed shall hold office for a period of two years; and thereafter, each of said members shall be appointed for a term of office consisting of a period of two years.

(c) One member of said board of trustees is to be a member of the Henderson City Council and shall be elected for a term of one year by a majority vote of the City Council of the City of Henderson.

All members of the board of trustees shall be elected or appointed as specified in Section 2(a), (b) and (c) prior to the third Tuesday in May. They shall take office on the third Tuesday in May. Any member of said board of trustees shall be eligible to succeed himself or herself, and all vacancies occurring in the membership of the board of trustees by death, resignation, disqualification or otherwise shall be filled by a special election for the members elected in Section 2(a) and (c), to fill the unexpired term, and likewise by special appointment under Section 2(b).

(d) The board of trustees shall be organized immediately after the trustees provided for in this Section shall have qualified and taken the oath of office. The board of trustees shall be a body politic and corporate under the name of the Board of Trustees of Henderson Firemen's Supplemental Retirement System, and as body politic and corporate shall have the right to sue and be sued, shall have perpetual succession and a common seal, and in said corporate name shall be able and capable in law to take, receive and demand and possess all kinds of property hereinafter specified, and to bargain, sell, grant, alien, or dispose of all such property as it may lawfully acquire. All such property owned or acquired by said body politic and corporate shall be exempt from all taxes imposed by the State or any political subdivision thereof and shall not be subject to income taxes.

(e) The board of trustees may purchase with funds received under and by virtue of their office, bonds of the City of Henderson, Vance County, State of North Carolina, United States Government, or certificate of deposite of paid shares of Building or Savings and Loan Associations not exceeding the amount guaranteed by the Federal Government.

(f) Compensation of trustees. The members of the Board of Trustees of the Henderson Firemen's Supplemental Retirement System shall serve

without compensation, but they shall be reimbursed for all necessary expenses incurred through service upon said board.

(g) Each trustee shall, within ten (10) days after his appointment, take an oath of office before the mayor that, so far as it devolves upon him, he will diligently and honestly administer the affairs of said board and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, and certified by the officer by whom it is taken, and immediately filed in the office of the city clerk.

(h) Meetings. The board of trustees shall hold regular quarterly meetings at such time and place as the board may determine. In addition thereto, the chairman or vice chairman of the board of trustees may call special meetings and upon request of two members of the board of trustees in writing, shall call a special meeting of the board of trustees. When so called, the secretary shall give notice in person or by special delivery mail to all members of the board at least twenty-four (24) hours prior to such meeting, specifying the purpose of such meeting and time and place. The business of the special meeting shall be limited to the purpose as set forth in the notice.

(i) Voting rights. Each trustee shall be entitled to one vote. Three affirmative votes shall be necessary for a decision by the trustees at any meeting of said board and the chairman shall only vote in case of a tie.

(j) The chairman shall preside at all meetings and in his absence the vice chairman shall preside.

(k) Officers. The Chairman, Vice Chairman, Secretary and the Treasurer of the Henderson Firemen's Supplemental Retirement System shall be elected by the board of trustees from the membership of the board at the first organizational meeting and thereafter at the first regular quarterly meeting in each year; provided, however, the treasurer shall be custodian of the fund and shall sign all checks and he shall be required to give a bond with an indemnity company authorized to do business in the State of North Carolina as surety in a sum equal to one and one-fourth (1¼) times the amount of the fund, as determined by the trustees for the fiscal year. The condition of said bond shall be that said treasurer shall faithfully receive, keep, disburse and account for all funds and property coming into his hands as treasurer and the premiums on said bond shall be paid out of the fund.

(l) Rules and regulations. Subject to the limitations of this Act, the board of trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this Act and for the transaction of its business. The board of trustees shall also, from time to time, in its discretion, adopt rules and regulations to prevent injustices and inequalities which might arise in the administration of this Act.

(m) Evaluation. The secretary shall keep in convenient form, at a place designated by the trustees, such data as shall be necessary for evaluating the system and for checking the expense of the system.

(n) Record of proceedings; annual report. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection.

It shall publish at the end of each fiscal year a report showing the fiscal transactions of the system for the preceding year, the amount of the accumulated cash of the system, and the last balance sheet, showing the financial condition of the system, including the valuation of the assets and liabilities of the retirement system. A copy of such annual report shall be provided for each of the fire stations of the City of Henderson. The term "fiscal year", as used in this Act, shall be defined to mean a period of time from July 1st to June 30th, inclusive.

(o) Legal adviser. The attorney or attorneys for the City of Henderson shall be the legal adviser or advisers of the board of trustees.

(p) Custodian of funds; disbursements. The treasurer shall handle all funds. All payments from such funds shall be made by him only upon voucher signed by two persons designated by the board of trustees. The books of the system shall be audited each two years, and when a new treasurer is elected, by a certified public accountant, and said report shall be presented at the first regular quarterly meeting of each year.

(q) Liabilities of trustees. No member of the board of trustees shall be personally liable by reason of his service as a trustee for any acts performed by him as a trustee, except for malfeasance in office.

(r) Trustee member disqualified. In the event any uniformed member shall make application for benefits under this Act, and shall at such time be serving as a member of the board of trustees, he shall first disqualify himself and his vacancy shall be filled before the board of trustees receives such application.

Sec. 3. There is hereby created and established in the Henderson Firemen's Supplemental Retirement System a fund to be known as the "Supplemental Retirement Fund" and hereinafter referred to as the "Fund". The Fund shall consist of all moneys and funds paid into the system from the Firemen's Relief Fund of the City of Henderson from time to time and as provided by law; all gifts of money, property of all kinds and description, proceeds from property of all kinds and description, all moneys, funds or property transferred to the Fund by will, devise, bequest or by other means provided by law for the transfer or devolution of property, donations and gifts made by the firemen of the City of Henderson, investments, earnings on investments, interest, dividends and any other funds or property that may accrue to the Fund, and the board of trustees is authorized to accept gifts, devises and bequests, and any property or funds that may in any wise be transferred in operation of law. The moneys and property of the Fund may be invested by the board of trustees as heretofore provided in this Act. Refunds may be made from the Fund to anyone entitled thereby by reason of clerical mistake or any clerical error or inadvertence. The Fund shall be liable for the payment of the supplemental benefits hereinafter referred to and defined. Any donations made to the Henderson City Fire Department in excess of the amount of one hundred dollars ($100.00) may be given and transferred to the Fund by a majority vote of the members of the Henderson City Fire Department. The Fund shall be liable for all reasonable and necessary expenses of administration as shall be determined by the board of trustees.

Sec. 4. Eligibility for supplemental benefits. For the purpose of this Section "supplemental benefit" as used in this Section shall be defined to mean any sum of money payable by the Fund to a fireman of the Henderson City Fire Department who is a full-time paid member of the Henderson Fire Department at the time of ratification of this Act or any person who shall become such a full-time paid member, provided that no person shall be eligible for benefits unless or until such person has twenty years service in the Henderson Fire Department, whether continuous or not, and has been retired as a member of the Henderson Fire Department and is at least sixty (60) years old, or because of a disability. Any disability retirement shall be on a medical board's recommendation. The board of trustees shall designate a medical board composed of three physicians. If required, other physicians may be employed in special cases. The medical board shall arrange for and make physical examinations and pass upon all medical examinations, all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusion and recommendations upon all matters referred to it. Upon the application of a member for disability retirement, he may be retired by the board of trustees not less than thirty days nor more than ninety days next following the date of filing application, provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired. Once each year during the first five years following retirement of a member on a disability retirement allowance and once in every three-year period thereafter, the board of trustees may, and upon his application shall, require any disabled member who has not yet attained the age of sixty (60) years to undergo a medical examination, such examination to be made at the place of residence of said member or other place mutually agreed upon, by a physician or physicians designated by the board of trustees. Should any disabled member who has not yet attained the age of sixty (60) years refuse to submit to at least one medical examination in any such year by a physician or physicians designated by the board of trustees, his allowance may be discontinued until his withdrawal of such refusal and should his refusal continue for one year, all his rights in and to his pension may be revoked by the board of trustees. Should the medical board report and certify to the board of trustees that such disabled member is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his monthly compensation at time of disability, and should the board of trustees concur in such report, then the amount of his pension shall be reduced to an amount which together with his pension and the amount earnable by him, shall equal the amount of his monthly compensation. Should his earning capacity be later changed, the amount of his pension may be further modified. Should he be restored to full employment in Henderson Fire Department or by any other employer at a salary equal to his compensation at the time of disability, his retirement shall cease. Should it be determined he is physically

able to return to full employment in the Henderson Fire Department and he is offered full employment in the Henderson Fire Department before he has attained sixty (60) years of age and he refuses employment, he forfeits all rights to retirement pension. It is further provided that this Act does not modify or alter in any way the Workmen's Compensation Laws of the State of North Carolina. All firemen of the Henderson City Fire Department, who retire under the above conditions, including disability retirement, as provided herein, shall receive for the remainder of his life a minimum supplemental benefit of twenty-five dollars ($25.00) per month, except that the total amount paid all retired members of the Henderson City Fire Department shall not exceed eighty per cent (80%) of the income received by the Fund during the preceding fiscal year from interest on investment of capital funds, plus the amount derived from other sources. In the event that eighty per cent (80%) of the income above-mentioned is insufficient to pay such minimum of twenty-five dollars ($25.00) per month to each person receiving supplemental benefit, the amount shall be equally prorated among the retired members of the Henderson City Fire Department. Each retired fireman receiving supplemental benefit in accordance with this Act shall receive the same amount of supplemental benefit per month; provided, that the maximum payment to any retired member of the Henderson City Fire Department from said Fund shall be fifty dollars ($50.00) per month. All amounts received for the Fund, except eighty per cent (80%) of the interest and funds received from other sources, which is to be used for the payment of supplemental benefits to retired members of the Henderson City Fire Department, as herein provided, together with any part of said eighty per cent (80%) which is not paid out during the fiscal year, shall become a part of said Fund and may be invested as provided in this Act. Should any fireman die, subsequent to the payment of a supplemental benefit for any preceding month and prior to the payment of any supplemental benefit in the month in which such fireman dies, then such supplemental benefit for that month shall be paid to the deceased fireman's personal representative. The board of trustees shall have the authority and power to promulgate rules and regulations to the end that the supplemental benefits herein provided may be properly administered and carried out and for the purpose of achieving the objectives herein sought.

Sec. 5. The provisions of Section 4 of this Act shall not become effective as to the payment of any supplemental benefits thereunder until on and after July 1, 1959.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 980 CHAPTER 811

AN ACT TO CHANGE THE DATE FOR FILING AND FOR HOLDING PRIMARY ELECTIONS IN THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. Chapter 347 of the Session Laws of North Carolina, 1953, is hereby amended as follows:

(a) By substituting the word "Tuesday" for the word "Saturday" in line two of Section 35.

(b) By substituting the words "not later than twelve o'clock, noon, on the second Tuesday before the primary" for the words "not later than six o'clock p. m. on the second Saturday before the primary" in lines 29 and 30 of Section 36.

(c) By substituting the word "Tuesday" for the word "Saturday" in line 37 of Section 36.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 981 CHAPTER 812

AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH RELATING TO PROTESTS BY ADJOINING PROPERTY OWNERS AGAINST REZONING OF PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. That the second sentence of Section 100 (e) of the Charter of the City of Raleigh (the same being Chapter 1184 of the Session Laws of North Carolina, 1949, as amended) is hereby amended to read:

"In case, however, of a protest against such change filed at or before the public hearing by the governing body of the municipality, required to be held by G. S. 160-175, and signed by the owners of twenty per cent or more of the area of the lots included in such proposed change, or of those immediately adjacent thereto, either in the rear, in the front, or on either side thereof extending one hundred feet therefrom, or of those directly opposite thereto across a street therefrom, extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by a favorable vote of three-fourths of all the members of the city council."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 982 CHAPTER 813

AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO PROCURE INSURANCE ON THE LIVES AND FOR THE BENEFIT OF EMPLOYEES AND TO PAY THE INSURANCE PREMIUMS FOR SUCH INSURANCE IN WHOLE OR IN PART.

The General Assembly of North Carolina do enact:

Section 1. Subsection 31 of Section 22 of the Charter of the City of Raleigh (the same being Chapter 1184 of the Session Laws of North Carolina, 1949, as amended) is hereby amended by adding at the end thereof the following:

"Also to insure any or all employees of the City of Raleigh against death by accident arising out of and in the course of their employment in an amount not to exceed ten thousand dollars ($10,000) and to pay all or such part of the premiums on said insurance, as the City Council shall determine, out of current funds of the city. Such insurance, if taken, shall be in addition to any benefits accruing by virtue of the Workmen's Compensation Act or under the provisions of G. S. 160-200(25)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 992 CHAPTER 814

AN ACT TO AUTHORIZE APPROPRIATIONS BY THE BOARD OF COMMISSIONERS OF BERTIE COUNTY FOR INDUSTRIAL DEVELOPMENT AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Bertie County is hereby authorized and empowered to appropriate and set apart annually a fund in such amount as said board shall in its discretion determine annually to be desirable and necessary to carry out the provisions and purposes of this Act up to and including the sum of five thousand dollars ($5,000.00) annually.

Sec. 2. The said Board of Commissioners is hereby authorized and empowered to appropriate annually and set apart said fund as authorized in Section 1 hereof, in its discretion, from any surplus funds and from any source or sources of revenue coming into its hand other than funds derived from taxation, and to accumulate any unexpended funds.

Sec. 3. The said fund, when made available and appropriated annually as authorized by this Act, shall be used and expended by said board, in its discretion, for the purpose of obtaining or aiding and encouraging the locating in Bertie County of manufacturing, industrial, business and commercial plants and enterprises, the agricultural development of Bertie County, the advertising of the suitability of said county and the advantages

it has to offer in connection with the foregoing and for such other purposes as will in the opinion of said board increase the population, taxable property values and the general and material welfare of said county and the people thereof. It is hereby found and declared that the annual setting apart and the raising and providing for the fund as herein set forth and the expenditure thereof as herein authorized for the purposes aforesaid constitute and are for a lawful public purpose and that said expenditures are and shall be in the public interest and will promote the public welfare.

Sec. 4. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 993 CHAPTER 815

AN ACT TO AUTHORIZE APPROPRIATIONS BY THE BOARDS OF COMMISSIONERS OR TOWN COUNCILS OF THE MUNICIPALITIES IN BERTIE COUNTY FOR INDUSTRIAL DEVELOPMENT AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners or Town Council of every incorporated town or municipality in Bertie County is hereby authorized and empowered to appropriate and set apart annually a fund in such amount as each of said boards or councils shall in its discretion determine annually to be desirable and necessary to carry out the provisions and purposes of this Act up to and including the sum of one thousand dollars ($1,000.00) annually for each said incorporated town or municipality.

Sec. 2. The said Board of Commissioners or Town Council of each of the incorporated towns or municipalities in Bertie County is hereby authorized and empowered to appropriate annually and set apart said fund as authorized in Section 1 hereof, in its discretion, from any surplus funds and from source or sources of revenue coming into its hand other than funds derived from taxation, and to accumulate any unexpended funds.

Sec. 3. The said fund for each of said incorporated towns or municipalities, when made available and appropriated annually as authorized by this Act, shall be used and expended by the said Board of Commissioners or Town Council of such incorporated town or municipality in its discretion, for the purpose of obtaining or aiding and encouraging the locating in or near said town or municipality wherein the appropriation is made or in Bertie County of manufacturing, industrial, business and commercial plants and enterprises, the agricultural development of Bertie County, the advertising of the suitability of said town and county and the advantages

it has to offer in connection with the foregoing and for such other purposes as will in the opinion of said Board of Commissioners or Town Council increase the population, taxable property values, and the general and material welfare of said town and county and the people thereof. It is hereby found and declared that the annual setting apart and the raising and providing for the fund as herein set forth and the expenditure thereof as herein authorized by the Board of Commissioners or Town Council of any one or more of the incorporated towns or municipalities in Bertie County for the purposes aforesaid constitute and are for a lawful public purpose and that said expenditures are and shall be in the public interest and shall promote the general welfare.

Sec. 4. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provisions and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 995 CHAPTER 816

AN ACT TO AMEND CHAPTER 293 OF THE SESSION LAWS OF 1957 RELATIVE TO THE PLANNING AND ZONING POWERS OF THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 293 of the Session Laws of 1957 relative to the planning and zoning powers of the City of Goldsboro is hereby amended by rewriting the Section to read as follows:

"Sec. 2. That before the Planning Board of the City of Goldsboro shall be authorized by the board of aldermen to study and prepare any zoning ordinance or any ordinance to repeal or amend any existing zoning ordinance, which applies to any property beyond the corporate limits of the city and within one mile thereof in all directions, there shall be added to the planning board an equal number of members who reside in such territory outside the corporate limits of the city, such additional outside members to be named by the Board of County Commissioners of Wayne County for such period as the commissioners may deem proper. Such additional outside members shall serve from time to time during their term whenever the occasion arises under the terms of this Act. While serving in such capacity in matters pertaining to such outside territory, such outside additional members shall have equal voice rights and privileges with the regularly appointed members who reside within the city."

Sec. 2. All laws and clauses of law in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 996 CHAPTER 817

AN ACT TO PROVIDE FOR STAGGERED TERMS FOR COMMISSIONERS OF THE TOWN OF ROCKINGHAM IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the next regular election of Commissioners in the Town of Rockingham, the three candidates receiving the highest number of votes shall serve for terms of four years and the two candidates receiving the next highest number of votes shall serve for terms of two years. Thereafter, as their terms of office expire, commissioners shall be elected for four-year terms.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 997 CHAPTER 818

AN ACT TO AMEND CHAPTER 545, PUBLIC-LOCAL AND PRIVATE LAWS OF 1939 RELATING TO PRIMARY ELECTIONS IN THE TOWN OF ROCKINGHAM IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 545, Public-Local and Private Laws of 1939, is hereby amended by striking out the word "five" in line five of Section 3 and substituting in lieu thereof the word "fifteen".

Sec. 2. The purpose of this Act is to provide a fifteen-day period between the final day for filing and the day of primary elections in the Town of Rockingham.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 998 **CHAPTER 819**

AN ACT GRANTING POWER AND AUTHORITY TO THE GOVERNING BODY OF THE TOWN OF ROCKINGHAM TO PROVIDE BY ORDINANCE REGULATIONS FOR THE USE BY VEHICLES OF MUNICIPALLY OWNED OFF-STREET PARKING FACILITIES, AND OF OFF-STREET PUBLICLY OWNED PARKS AND GROUNDS OCCUPIED BY PUBLIC BUILDINGS, THE USE BY VEHICLES OF PRIVATELY OWNED AREAS FOR PUBLIC STREET PURPOSES, THE REMOVAL OF VEHICLES FROM ON-STREET PLACES UNDER CERTAIN CONDITIONS, AND TO PRESCRIBE AND ENFORCE CRIMINAL PENALTIES FOR VIOLATION OF SUCH ORDINANCES.

The General Assembly of North Carolina do enact:

Section 1. The Governing Body of the Town of Rockingham is hereby granted the power and authority to enact ordinances for the regulation of the use by vehicles of:

(a) Municipally owned off-street parking areas and facilities.

(b) Off-street publicly owned parks, outdoor recreation areas, and yards and grounds occupied by public buildings.

(c) Privately owned areas permissively used by the general public for street purposes.

Sec. 2. In the exercise of the power and authority granted by Section 1 hereof, said governing body shall have full power and authority to make and provide criminal penalties for violations of such ordinances, not exceeding the penalties provided by general law for the violation of city ordinances: Provided, however, said governing body is hereby granted power and authority, in addition to the foregoing, to provide that such vehicles in violation of parking regulations at any of the places included within the authority designated in Section 1 hereof may be towed away and the owner or person responsible therefor required to pay the resulting towing and storage charges.

Sec. 3. The Governing Body of the Town of Rockingham is hereby granted the power and authority to provide by ordinance that vehicles stalled, wrecked, abandoned, or illegally parked upon any of the public streets of the Town of Rockingham may be removed therefrom by having the same towed away to such off-street or other on-street place as may be designated by said governing body, and to require that the owner or person, firm, or corporation responsible for said vehicle so stalled, wrecked, abandoned or illegally parked be required to pay the towing and storage charges accruing from such removal, and the ownership of such vehicle as established by its registration with the North Carolina Department of Motor Vehicles shall be prima facie evidence as to the person, firm or corporation so responsible; and in the carrying out of the provisions set forth in Section 2 and in this Section relating to the removal and storage of vehicles, said governing body is hereby fully authorized and empowered to provide such towing and storage facilities by and through its own forces, equipment, and property as well as by contract with independent

towing and storage contractors and operators, and said governing body may appropriate and use reasonable sums of public funds to defray the necessary expenses thereof.

Sec. 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1000 CHAPTER 820

AN ACT TO PERMIT THE CLERK OF THE SUPERIOR COURT OF PITT COUNTY TO DELIVER THE RECORDS OF A DECEASED JUSTICE OF THE PEACE OF PITT COUNTY.

WHEREAS, Theodore K. Fountain, a former Justice of the Peace of Pitt County, now deceased, left papers and records concerning litigations then pending before him; and

WHEREAS, said papers and records have been turned over to the Clerk of the Superior Court of Pitt County; that no administrator has been appointed and it is necessary that the actions and other matters pending before said justice of the peace be handled through to completion: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All of the papers and records of Theodore K. Fountain, deceased, a former Justice of the Peace of Pitt County, now in the hands of the Clerk of the Superior Court of Pitt County, shall be turned over to some other justice of the peace for handling to completion by said clerk, and the said clerk is hereby empowered and directed to turn said papers and records over to another Justice of the Peace in Pitt County for handling.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1005 CHAPTER 821

AN ACT TO AMEND CHAPTER 115 OF THE PRIVATE LAWS OF NORTH CAROLINA EXTRA SESSION 1913 BEING THE CHARTER OF THE TOWN OF CLINTON AND RELATING TO MUNICIPAL ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That Section 26, Chapter 115 of the Private Laws of North Carolina, Extra Session of 1913 is hereby amended by striking out the first two sentences appearing in said Section and substituting in lieu thereof the following:

"The said judges of election together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of the election; and they shall superintend the election. The time for opening and closing the polls on the day of election shall be governed in accordance with the requirements of the North Carolina General Statutes relating to municipal elections."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1006 CHAPTER 822

AN ACT TO AMEND THE CHARTER OF THE TOWN OF NASHVILLE IN NASH COUNTY SO AS TO EXTEND THE JURISDICTION OF THE MAYOR AND OTHER JUDICIAL OFFICERS OF THE TOWN TO INCLUDE ALL OF THE TERRITORY SITUATED WITHIN TWO MILES OF THE CORPORATE LIMITS OF THE SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The Mayor, Mayor pro tem and each judicial officer of the Mayor's Court of the Town of Nashville, in Nash County, are hereby given the same jurisdiction, and they are vested with the same power and authority, in all territory situated within two miles of the corporate limits of said Town of Nashville as is now or may hereafter be provided by law to be exercised by said court within the corporate limits of the said town.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1010 **CHAPTER 823**

AN ACT REWRITING NUMBERED PARAGRAPH 15 OF G. S. 14-335 RELATING TO THE PUNISHMENT FOR PUBLIC DRUNKENNESS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That numbered paragraph 15 of G. S. 14-335 be and the same is hereby rewritten to read as follows:

"15. If any person shall be found drunk or intoxicated on the public highway, or at any public place or meeting in Avery County, he shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than fifty dollars ($50.00) or imprisonment for not more than thirty (30) days. If any person shall be found drunk and disorderly in any public place or on any public road or street in said county, he shall be guilty of a misdemeanor and fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) or be imprisoned for not exceeding thirty (30) days, in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1018 **CHAPTER 824**

AN ACT TO MAKE PART 3A OF ARTICLE 18 OF CHAPTER 160 OF THE GENERAL STATUTES RELATING TO THE REGULATION OF THE SUBDIVISION OF LAND IN AND AROUND MUNICIPALITIES APPLICABLE TO SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All of the provisions of Part 3A of Article 18 of Chapter 160 of the General Statutes, as the same appear in the 1957 Cumulative Supplement in Volume 3C, are hereby made applicable to Scotland County.

Sec. 2. G. S. 160-227.1, as the same appears in the 1957 Cumulative Supplement to Volume 3C, is hereby amended by striking out the word "Scotland" appearing on line seven of said statute and immediately following the word "Rowan" and immediately preceding the word "Stokes".

Sec. 3. This Act shall apply to Scotland County only.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1019 **CHAPTER 825**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF DARE COUNTY TO ESTABLISH, MAINTAIN, DEVELOP AND IMPROVE WATERWAYS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Dare County is hereby authorized, upon written petition of the citizens and residents of any community in Dare County requesting a project for the establishment, maintenance, improvement or development of any canal, ditch, creek, stream, waterway or wharf, to investigate the need within the county for such proposed project.

Sec. 2. The Board of County Commissioners of Dare County, pursuant to the petition set forth in Section 1, shall by resolution, duly adopted, find the following facts:

(A) That the establishment, maintenance, improvement or development of the waterway project designated in such petition is necessary and desirable to the economic growth of the community; that it will enhance the livelihood and earning power of the citizens of the community; and that the project will encourage investment of capital within the community and county with subsequent increase in value of taxable properties within the county;

(B) That no substantial damage shall accrue to lands and adjacent waterways by reason of such establishment, maintenance, improvement or development of the proposed project;

(C) That there has been acquired sufficient rights of way with a minimum width of sixty (60) feet for access to and from such project to the public roads and State highways; and that sufficient lands have been acquired and dedicated to public use for the establishment, maintenance, improvement or development of the proposed project;

(D) That the citizens or residents of the county or community affected by such project have provided one-half of the funds necessary for the proposed project. Provided, however, that there may be included in the community's share of such project the fair market value of lands acquired, based on the valuations appearing of record for tax purposes on the county tax books, and the value of such labor and materials or supplies which may have been donated and accepted by the contractor awarded the proposed project.

Sec. 3. After the Board of County Commissioners of Dare County has adopted a resolution finding the facts set forth in Section 2, then said board of county commissioners is authorized and empowered to order, provide for and accomplish the establishment, maintenance, improvement or development of the proposed waterway improvement project set forth in the petition.

Sec. 4. The Board of County Commissioners of Dare County shall be authorized, in its discretion, to expend any non-ad valorem tax funds of the county which have been unappropriated and which may be available

for any of the purposes set forth in this Act. The said board shall also be authorized to expend any funds which may be donated to the county from any other source.

Sec. 5. The Board of County Commissioners of Dare County may, in its discretion, apply for and participate in such matching fund programs, which may from time to time become available through agencies of the State or the United States. The said board of commissioners may expend any of the funds provided for under this Act for the purpose of providing Dare County's part for any waterway project which has been or may be hereafter approved by the State or Federal government or any agency thereof.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1023 CHAPTER 826

AN ACT TO AUTHORIZE APPROPRIATIONS BY THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY FOR INDUSTRIAL DEVELOPMENT AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Montgomery County is authorized and empowered to appropriate annually from the general fund such amount as said board shall, in its discretion, determine to be desirable and necessary to carry out the provisions and purposes of this Act not to exceed the sum of ten thousand dollars ($10,000.00) annually.

Sec. 2. The said board is authorized and empowered to make such appropriations from any surplus funds, including funds in the sinking fund not needed for debt service, from surplus on hand in the general fund on June 30 of each year and not needed to finance regular appropriations in the general fund in the ensuing year, and from any source or sources of revenue coming into its hand other than funds derived from ad valorem taxation.

Sec. 3. The appropriations authorized by this Act shall be used and expended by said board, in its discretion, for the purpose of obtaining or aiding and encouraging the location in Montgomery County, manufacturing, industrial business and commercial plants and enterprises, the agricultural development of Montgomery County and surrounding territory, the advertising of the suitability of said county and the advantages it has to offer in connection with the foregoing and for such other purposes as will in the opinion of said board increase the population, taxable property values and the general and material welfare of said county. In addition, the said board may join with municipalities in the county and/or with other counties to jointly carry out such purposes. It is hereby found and declared that the annual appropriations herein authorized and the expendi-

ture thereof as herein authorized for the purposes aforesaid constitutes and is for a lawful public purpose and that said expenditures are in the public interest and will promote the public welfare.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1026 CHAPTER 827

AN ACT TO AMEND CHAPTER 391 SESSION LAWS OF 1955 RELATING TO ELECTIONS IN THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 1 of Chapter 391 of the 1955 Session Laws is rewritten to read as follows:

"Sec. 3. Councilmen of the City of High Point shall be elected for terms of office as hereinafter provided, and shall hold office until their successors are duly elected and qualified. The Mayor of the City of High Point shall be elected for a term of office as hereinafter provided, and shall hold office until his successor is duly elected and qualified. In the event of death, resignation, disability from any cause, or removal from the ward which he may represent, as councilman, the Council of the City of High Point may choose a member from among the qualified voters to fill such vacancy and to serve until the next municipal election when such vacancy shall be filled by a vote of the people as provided in this Act; provided that removal from the ward in which he resided at the time of the election shall not disqualify the person from serving as councilman if there remains in said ward after removal at least one other member of the council residing in that ward. If a vacancy occurs leaving no remaining member of the council residing in the ward in which the vacancy occurred, the council shall fill the vacancy from among the qualified voters in the ward from which the vacancy occurred."

Sec. 2. The quoted portion of Section 3 of Chapter 391 of the 1955 Session Laws is rewritten to read as follows:

"Sec. 9. That on the second Tuesday before the first Monday in May, 1961, there shall be held in the several precincts of the City of High Point a primary election for the purpose of nominating four candidates as councilmen and one candidate as Mayor of the City of High Point from each political party, and the four candidates for councilmen and one candidate for mayor from each political party receiving the highest number of votes shall be declared the nominees of their respective parties for such offices at the election to be held on the first Tuesday after the first Monday in May, 1961.

"That on the second Tuesday before the first Monday in May, 1963, and biennially thereafter, there shall be held in the several precincts of the City of High Point a primary election for the purpose of nominating one

candidate of each political party for mayor and eight candidates of each political party for councilmen. The nominees of each political party for councilmen shall be selected in the following manner: The candidate from each of the four wards receiving the highest number of votes of any candidate residing in the same ward shall be declared the first four nominees of their respective party for the offices of councilmen. The next four candidates receiving the highest number of votes, regardless of the ward in which they reside, shall be declared the remaining four nominees of their respective party for the offices of councilmen. The candidate of each political party for mayor receiving the highest number of votes shall be declared the nominee of his respective political party for the election to be held on the first Tuesday after the first Monday in May."

Sec. 3. The quoted portion of Section 4 of Chapter 391 of the 1955 Session Laws is rewritten to read as follows:

"Sec. 12. That for the election to be held on the first Tuesday after the first Monday in May, 1961, if not more than four names from each political party be filed with the chairman of the Municipal Board of Elections as candidates for councilmen, such board shall declare such persons to be the duly nominated candidates of such political party for such offices; and if not more than one name from each political party for the nomination of candidate for mayor be filed with the chairman of the Municipal Board of Elections, then such person shall be declared the candidate of such political party for mayor. If there be more than four candidates of any one political party for councilmen or if there be more than one candidate of any one political party for mayor, then the primary herein provided for shall be held as to such candidates only.

"That if not more than one name from each ward and four additional names, regardless of the ward in which they reside, of any political party, be filed with the chairman of the Municipal Board of Elections for nomination as candidates for councilmen, and one name from each political party as candidate as mayor, then such board shall declare such persons to be the duly nominated candidates of such political party for such offices for the election to be held on the first Tuesday after the first Monday in May, 1963, and biennially thereafter."

Sec. 4. The quoted portion of Section 5 of Chapter 391 of the 1955 Session Laws is rewritten to read as follows:

"Sec. 21. The candidate for mayor receiving the highest number of votes shall be elected. The four candidates for councilmen receiving the highest number of votes at the election to be held on the first Tuesday after the first Monday in May, 1961, shall be elected as councilmen for a term of two years, and shall hold office until their successors are duly elected and qualified.

"That at the election to be held on the first Tuesday after the first Monday in May, 1963, and biennially thereafter, on the first Tuesday after the first Monday in May, there shall be elected a mayor who shall hold office for a term of two years, and one councilman from each of the four wards of the City of High Point and four councilmen at large and such councilmen so elected shall hold office for a term of two years. The candi-

date in each of the four wards receiving the highest number of votes of any candidate in the ward in which he resides shall be declared a duly elected councilman from said ward and the next four candidates receiving the highest number of votes, regardless of the ward in which they reside, shall be the duly elected four councilmen at large."

Sec. 5. The quoted portion of Section 6 of Chapter 391 of the 1955 Session Laws be and the same is hereby rewritten to read as follows:

"Sec. 22. The Municipal Board of Elections shall meet immediately after the Board of Canvassers shall have completed their canvass and tabulate the votes and certify to the Council of the City of High Point the results of the election, setting forth the names of the candidates elected, the respective offices to which they have been elected and the term of office for which each has been elected. The result as tabulated shall be certified by the Municipal Board of Elections and shall be filed with the Council of the City of High Point on the date on which the canvass is made by the Board of Canvassers. The city council shall set out in the minutes of the council the report of the Board of Canvassers as certified by the Municipal Board of Elections. Upon qualifying, the candidates so elected shall take office on the second Tuesday after the first Monday in May, 1961, and biennially thereafter."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1027 CHAPTER 828

AN ACT TO AMEND CHAPTER 107 OF THE PRIVATE LAWS OF 1931, RELATING TO ELECTIONS IN THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 107, Article IV, Section 11 of the Private Laws of 1931, is amended by striking out in line 3 of said Section the words "the third", and inserting in lieu thereof the words "six P. M. on the fourth".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1028 CHAPTER 829

AN ACT TO AMEND SECTION 2(b) OF CHAPTER 737 OF THE 1955 SESSION LAWS RELATING TO THE JOINT CONSTRUCTION OF A PUBLIC BUILDING BY THE CITY OF HIGH POINT AND GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2(b) of Chapter 737 of the 1955 Session Laws is amended by adding at the end thereof the following:

"Provided, that should the City of High Point and the County of Guilford erect a joint building as herein provided for on land already owned by either the City of High Point or the County of Guilford, the governing body of the City of High Point or the County of Guilford, as the case may be, shall have the authority to convey to the other governmental unit an undivided interest in the land upon which said building is erected at private sale at a fair and equitable price as determined by the two governing bodies."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1029 CHAPTER 830

AN ACT TO AMEND CHAPTER 383 OF THE 1955 SESSION LAWS, RELATING TO THE PURCHASE OF SUPPLIES, MATERIALS, EQUIPMENT, AND CONSTRUCTION CONTRACTS BY THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 383 of the 1955 Session Laws be and the same is hereby amended by inserting in line 7, between the word "bidder" and the word "after", the words ", taking into consideration quality, performance and the time specified in the proposal for the performance of the contract,".

Sec. 2. Section 2 of Chapter 383 of the 1955 Session Laws be and the same is hereby amended as follows:

By inserting in line 2 of the third paragraph of said Section between the word "shall" and the word "assume", the word "not".

By inserting in line 3 of the third paragraph of said Section, between the word "shall" and the word "guarantee", in lines 3 and 4, the word "not".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1030 CHAPTER 831

AN ACT AUTHORIZING THE CITY OF HIGH POINT TO SELL OR EXCHANGE PERSONAL PROPERTY NOT EXCEEDING $2500.00 IN VALUE AT PRIVATE OR PUBLIC SALE WITHOUT ADVERTISEMENT.

The General Assembly of North Carolina do enact:

Section 1. The Council of the City of High Point is hereby authorized to sell or exchange any personal property not exceeding twenty-five hundred dollars ($2500.00) in value at the time of the sale at public or private sale without advertisement.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1035 CHAPTER 832

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MORGANTON, TO BE EFFECTIVE UPON A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 8 of the Private Laws of 1917, as the same amends Chapter 104 of the Private Laws of 1913 as amended, the Charter of the Town of Morganton, is hereby rewritten to read as follows:

"§ 2.(a) There shall be held on the first Monday in April, 1961, and every two years thereafter, an election in the Town of Morganton for the selection of town aldermen and a mayor, whose terms of office shall begin on Monday next following the election and shall continue until their successors are elected and qualify. The election shall be held in accordance with the provisions of Chapter 104 of the Private Laws of 1913, as amended.

"(b) At the election on the first Monday in April, 1961, four aldermen and a mayor shall be elected for terms as follows:

"(1) The mayor shall be elected for a term of two years;

"(2) The two candidates for alderman among the four elected who receive the first and second highest number of votes cast in the election shall be deemed to have been elected for terms of four years each;

"(3) The two candidates for alderman who receive the third and fourth highest number of votes cast shall be deemed to have been elected for terms of two years each.

"Thereafter every two years, a successor to the mayor shall be elected for a term of two years, and successors to aldermen whose terms are expiring shall be elected for terms of four years each."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective only upon ratification by the qualified voters of the Town of Morganton at the next general municipal election following passage of this Act by the North Carolina General Assembly. At such election the qualified voters who shall be in favor of the ratification of this Act shall vote a ballot on which is written or printed the words: "For staggered terms of office of four years each for aldermen."; and those who shall be opposed shall vote a ballot on which is written or printed the words: "Against staggered terms of office of four years each for aldermen." If a majority of those voting upon the issue shall be in favor thereof, then the mayor of the town shall certify the results of the election to the Secretary of State who shall cause to be properly noted in the official records of the State and in the Session Laws of 1961 that this Act has been ratified by the voters and is effective from the date of such ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1037 CHAPTER 833

AN ACT TO PROVIDE THAT CERTAIN DELINQUENT TAXES BE PAID INTO THE GENERAL FUND OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The proceeds of all delinquent taxes, when they are one year old, shall be paid into the General Fund of Graham County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1038 CHAPTER 834

AN ACT TO AMEND PART 3A (SUBDIVISIONS) OF ARTICLE 18 OF THE GENERAL STATUTES RELATING TO THE REGULATION OF THE SUBDIVISION OF LAND BY MUNICIPALITIES SO AS TO MAKE THE PROVISIONS THEREOF APPLICABLE TO TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-227.1, as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by striking out the word "Transylvania," as the same appears at the end of line seven thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1044 **CHAPTER 835**

AN ACT TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY ALL ITS RIGHT, TITLE, INTEREST AND ESTATE IN CERTAIN LANDS AT PRIVATE SALE TO B. E. ALLRED, HIS HEIRS AND ASSIGNS.

WHEREAS, the City of Burlington is opening and extending South Worth Street from Sixth Street to Kime Street; and

WHEREAS, a portion of a dedicated alleyway running from Kime Street in an easterly direction will be used as a part of the new South Worth Street; and

WHEREAS, a narrow strip along the northern boundary of said alleyway will not be needed by the city for street purposes; and

WHEREAS, B. E. Allred is the owner of the lands adjoining the said narrow strip of alleyway and is the person to whom the said strip of land would be the most useful: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the City of Burlington, North Carolina, in the discretion of its governing body is hereby authorized and empowered to sell and convey to B. E. Allred, his heirs and assigns, at private sale all of its right, title, interest and estate, upon such terms and conditions as the governing body of the City of Burlington may determine, in and to the following described tract or parcel of land:

Being in the City of Burlington, Alamance County, North Carolina and more particularly bounded and described as follows:

BEGINNING at an iron stake set at the intersection of the northern boundary of South Worth Street with the eastern boundary of Kime Street and running thence with the northern boundary of South Worth Street, North 53 degrees 24 minutes East 225 feet to an iron stake corner with lands of B. E. Allred; running thence with said Allred's line, North 36 degrees 31 minutes West 4.69 feet to a stake corner with other lands of B. E. Allred; running thence with said Allred's line South 53 degrees 36 minutes West 225 feet to a stake in the eastern boundary of Kime Street; running thence with said eastern boundary of Kime Street, South 36 degrees 31 minutes East 5.5 feet to the point of BEGINNING. The foregoing description is according to a survey and plat by the Engineering Department of the City of Burlington of Worth Street and Sixth Street Extension, being Drawing No. 354, dated January 24, 1957, revised February 6, 1958.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1045 **CHAPTER 836**

AN ACT TO AMEND CHAPTER 715 OF THE SESSION LAWS OF 1953 RELATING TO THE ANNUAL APPROPRIATION BY THE BOARD OF COMMISSIONERS OF WILSON COUNTY FOR THE MAINTENANCE OF THE WILSON COUNTY LAW LIBRARY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 715 of the Session Laws of 1953 is hereby amended as follows: By striking from lines 13 and 14 of said Section the words and figures "Two Hundred Fifty Dollars ($250.00)" as the same appear immediately following the word "exceeding" and immediately preceding the word "a" and substituting therefor the words and figures "Eight Hundred Fifty Dollars ($850.00)".

Sec. 2. This Act shall apply only to Wilson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1047 **CHAPTER 837**

AN ACT TO AMEND G. S. 15-21 RELATING TO CRIMINAL WARRANTS ISSUED FROM THE CITY COURT OF THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-21, 1957 Supplement to the General Statutes, is amended by adding at the end thereof the following:

"A copy of any criminal warrant issued from the City Court of the City of Raleigh need not be delivered to any defendant named therein except upon his or her request."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1055 **CHAPTER 838**

AN ACT TO AMEND CHAPTER 35 OF THE SESSION LAWS OF 1957 RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF EDUCATION OF THE ASHEBORO CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 35 of the Session Laws of 1957 is hereby amended as follows: By striking from Section 6 of said Act the last sentence thereof

beginning on line 7 with the word "Each" and ending on line 9 with the word "applicable" and substituting therefor the following sentence: "Each election and registration of voters—including the notice of election, the dates of registration, the date of election, the date for challenging ballots, the place of registration, polling places, registrars and judges—shall be held and conducted in every respect according to the provisions of the laws governing Asheboro municipal elections so far as they may be applicable."

Sec. 2. This Act shall apply only to the County of Randolph.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1056 CHAPTER 839

AN ACT TO AUTHORIZE THE RANDOLPH AIRPORT COMMISSION TO TRANSFER ITS ASSETS TO THE TOWN OF ASHEBORO FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING A MUNICIPAL AIRPORT.

WHEREAS, it would be of mutual benefit to the Town of Asheboro and the County of Randolph for the Town of Asheboro to establish and maintain a municipal airport which would serve both the Town of Asheboro and the County of Randolph: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Randolph Airport Commission is hereby authorized to transfer and convey all of its assets to the Town of Asheboro to be used by said town for the purpose of establishing and maintaining a municipal airport.

Sec. 2. The County of Randolph is hereby authorized and empowered to pay to the Town of Asheboro the sum of ten thousand dollars ($10,000.00), such sum to be used by the Town of Asheboro exclusively for the purpose of purchasing land for a municipal airport site.

Sec. 3. Chapter 476 of the Session Laws of 1945 and Chapter 916 of the Session Laws of 1955 are hereby repealed, such repeal to take effect on the day following the transfer by the Randolph Airport Commission of its assets as authorized in Section 1 of this Act.

Sec. 4. This Act shall apply only to the County of Randolph and the Town of Asheboro.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1058 **CHAPTER 840**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, SUBJECT TO A REFERENDUM ELECTION.

The General Assembly of North Carolina do enact:

Section 1. That, subject to an election to be held in the manner hereinafter provided, on and after January 1, 1960, the corporate limits of the City of Asheville, in Buncombe County, shall be enlarged and extended so as to include all of the territory within the following boundaries:

BEGINNING at a point on the West bank of the French Broad River at low water, said point being due East of the center line of the western abutment of the present Carrier Bridge; thence generally West and South with the meanders of the French Broad River along the present city-limit boundary to a point in the center line in the mouth of Hominy Creek, where said creek enters French Broad River; thence along the center of Hominy Creek and along the present city-limit boundary to the center line of Caney Branch, where said branch enters Hominy Creek; thence up the center line of Caney Branch generally in a North and West direction along the present city-limit boundary to a point where the Murphy Branch of the Southern Railway crosses the same, said point being the present city-limit corner; thence continuing in a West and North direction 1300 feet, more or less, up the center of Caney Branch to where a small branch, sometimes called East Fork of Caney Branch, enters the main branch; thence in a generally West direction 700 feet, more or less, to the fork of two branches, continuing in a North direction 1000 feet, more or less, up the eastern most of these branches and extending up the natural drainage-way beyond the headwaters of said branch to a point in the eastern margin of right-of-way of Pisgah View Road near the junction of Pisgah View Road and Deaverview Road; thence in a northern direction along the eastern margin of the right-of-way of Pisgah View Road across Deaverview Road to a monument, said monument being in the eastern margin of the right-of-way of Pisgah View Road 300 feet North of the center line of the pavement of Deaverview Road; thence generally East along the line parallel to and 300 feet North of the meanders of the center line of Deaverview Road to a monument, said monument being 300 feet West of the center line of the pavement of North Bear Creek Road; thence North parallel to and 300 feet West of the center line of the pavement of North Bear Creek Road; thence North parallel to and 300 feet West of the center line of the pavement of North Bear Creek and North Bear Creek Road Extension, across Johnson Boulevard to a point in the center line of the pavement of Old County Home Road; thence due North and across the present County Home Road to a point 300 feet from the center line of the pavement of the present County Home Road; thence generally East along a line parallel to and 300 feet North of center line of the pavement of the present County Home Road and approximately 3700 feet, more or less, to a point 300 feet West of a junction of existing road leading to the G. E. Crouch property; thence North 1000 feet, more or less, along the line 300 feet West and parallel to center of said road to a monument; thence East

1000 feet, more or less, along the line parallel to and 300 feet North of the center line of existing county road to a point 300 feet East of the junction of said county road and Hazel Mill Road to a monument; thence generally East along the line 300 feet North and parallel to the center line of the pavement on Hazel Hill Road to a point in Mill Creek 300 feet North of the center line of Patton Avenue, said point being in the present city boundary line; thence North along the present boundary line with the meanders of Mill Creek to a monument where Mill Creek enters French Broad River, said point being the present city-limit corner; thence along the present city-limit boundary along the western margin of the French Broad River to a point 10 feet South of the bridge across the river known as Smith's Bridge, said point being the present city-limit corner; and runs thence parallel with the South line of the said bridge to a stake in the East bank of said river, 10 feet South of said bridge, and being a present city-limit corner; thence North along the meanders of the East margin of the French Broad River across Pearson Drive and with the present city boundary including Richmond Hill Development, to a point on the river bank 1000 feet North of the center line of old Pearson Bridge, said point being the present city-limit corner; thence northeast along the present city-limit boundary to the center line of Riverside Drive; thence North 1600 feet, more or less, with the meanders of the center line of Riverside Drive to the junction of Route N. C. 191 (Broadway); thence generally East 2100 feet, more or less, along the meanders of the center line of Route N. C. 191 (Broadway) to a monument in the present corporate boundary line; thence generally North, West, and North 6100 feet, more or less, with the present corporate boundary line to a point and a monument, said point being due East of the intersection of the center line of Burnsville Hill Road and Hickory Lane Road; thence due West 2300 feet, more or less, with said line to the center line of Burnsville Hill Road; thence generally North 4300 feet, more or less, along the meanders of the center line of Burnsville Hill Road, across Lakeshore Drive to a point 300 feet South of the junction of Burnsville Hill Road and U. S. Route 19 (Merrimon Avenue); thence northwest along the line 300 feet South and parallel to the center line of U. S. 19 to a point 300 feet West of the junction of U. S. 19 and Beaver Road; thence 3500 feet, more or less, northeast across Route U. S. 19 and parallel to and 300 feet West or North of the meanders of the center line of Beaver Road to a point 300 feet North of junction of Beaver Road and Stratford Road; thence 370 feet, more or less, northeast, 300 feet North or West and parallel to the meanders of center line of Stratford Road to a point in the present western corporate boundary of the City of Asheville; said point being 500 feet, more or less, South of the northwest corner of the present corporate boundary on Gooch Mountain; thence North 500 feet, more or less, along the present corporate boundary to the above-mentioned corner; thence East along the present boundary, 3000 feet to a monument; thence due North 2000 feet, more or less, to a monument in a line projected between the monument on Gooch's Peak designated as Biltmore No. 2, elevation 3018 feet, and a triangulation station monument known as LR 660, elevation 2319 feet, in the vicinity of Linn Cove Road

as shown on T.V.A. map as such; thence East along the above-defined line 3000 feet, more or less, to a monument in the eastern margin of the right-of-way of State Highway No. 694; thence generally southeast 4400 feet, more or less, to the intersection of the center lines of Beaverdam Road and Spooks Branch Road; thence generally East 300 feet along the meanders of the center line of Beaverdam Road to a point; thence generally southeast 6500 feet, more or less, along the line 300 feet northeast and parallel to the center line of Spooks Branch Road to a point and a monument located 300 feet East and 300 feet South of the edge of the pavement of the most southern portion of Spooks Branch Road; thence southwest 2500 feet more or less, to a monument in the vicinity of Patton Mountain Road, said monument being the present city-limit corner situated in the vicinity of the gap between Pleasant Knob and Patton Mountain; continuing thence South 4000 feet, more or less, along the present city-limit boundary to a monument and established present corner; thence East 1500 feet, more or less, along the present corporate boundary to a monument and established corner, said monument being on top of Sunset Mountain; thence East 200 feet and thence South along the existing corporate boundary to a monument 200 feet East of the low point in Vance Gap, this above line generally following along a point 200 feet East of the top of the ridge on Sunset Mountain; thence due East 3500 feet, more or less, to a monument, said monument being 1000 feet East of Ross Creek; thence generally South along a line 1000 feet East and parallel to the meanders of the center of Ross Creek to a monument, said monument being 1000 feet due East of a point on Ross Creek where an unnamed branch enters Ross Creek from the East (said branch junction being 1000 feet, more or less, up Ross Creek from a point where Ross Creek crosses under Tunnel Road (U. S. 70)); thence due East 800 feet, more or less, to a monument, said monument being on the crest of Piney Ridge (Piney Mountain) 2000 feet, more or less, North of Old Haw Creek Road; thence generally northeast 5600 feet, more or less, to a monument on the high elevation on a knob, said knob being 2000 feet, more or less, southeast of the summit of Cisco Mountain; thence generally East 4500 feet, more or less, along a bearing toward the existing concrete government monument at the most western boundary of the Oteen Government Reservation to a monument, said monument being in the aforesaid line and 500 feet West of the mentioned government monument; thence generally South 1300 feet, more or less, to a point and a monument located 300 feet due West of the junction of the center lines of Pinedale Road and Bullman Road; thence due East 1600 feet, more or less, to a monument in the established boundary line of the Government Oteen Reservation; thence generally South 1700 feet, more or less, along the existing government line to an established corner on the edge of Bull Mountain Road; thence generally South continuing along same bearing as established by the preceding government boundary line, 4100 feet, more or less, and across Route U. S. 70 and across Route N. C. 81 to a point in the center line of the Swannanoa River in the vicinity of Recreation Park Dam; thence generally West down the meanders of the center of Swannanoa River, 10,000 feet, more or less,

to a point in the river due South of the junction of the center lines of Route N. C. 81 and Route U. S. 74; thence due South 3400 feet, more or less, to a monument in the southern margin of the Southern Railway right-of-way for the Asheville-Swannanoa main line; thence generally East 4500 feet, more or less, along the southern margin of said railway right-of-way to a monument, said monument being 300 feet East of the junction of Fairview Road and Wilmington Road; thence generally South 1400 feet, more or less, across Fairview Road, and parallel to and 300 feet East of the meanders of the center line of Wilmington Road to a point 300 feet East of the junction of Wilmington Road and Onteora Boulevard; thence generally 1900 feet, more or less, southeast parallel to and 300 feet East of the meanders of the center of Onteora Boulevard, to a monument, said monument being 300 feet, more or less, southeast of the junction of Raleigh Road and Onteora Boulevard; thence generally West 3500 feet, more or less, parallel to and 300 feet South of the meanders of the center of Raleigh Road to a monument, said monument being 300 feet East of Crayton Road; thence generally southwest 1400 feet, more or less, parallel to and 300 feet South of the meanders of the center of Crayton Road to a monument in the western margin of the Southern Railway right-of-way of the Asheville-Hendersonville line; thence generally South and West 3500 feet, more or less, along the western margin of the Southern Railway right-of-way, across Route U. S. 25A to a monument, said monument being in the railway right-of-way line and 300 feet West of the center line of Route U. S. 25A; thence generally North and West 5800 feet, more or less, parallel to and 300 feet West of the meanders of the center line of Route U. S. 25A to a monument in the vicinity of Caribou Road, said monument being in the present city-limit boundary line approximately 300 feet South of the existing eastern boundary corner on Sweeten Creek Road; thence generally South 4300 feet, more or less, along existing city-limit boundary to a corner in the center line of West Chapel Road; thence generally West 2700 feet, more or less, along existing city-limit boundary with the meanders of the center line of West Chapel Road to a monument in the western margin of Route U. S. 25 (Hendersonville Road), said monument being the present common boundary corner between the City of Asheville and the Town of Biltmore Forest; thence North along the present joint city boundary line of Asheville and Biltmore Forest to a point, said point being the northwest corner of Biltmore High School property (as described in the 1923 Act to incorporate Biltmore Forest); thence approximately North 22 degrees West 3800 feet, more or less, to a point in the present Asheville and Biltmore Forest common boundary line, and further designated as the southwest corner of Lot No. 8, Sheet 2, Ward 7, Buncombe County Tax Map; thence generally North along the present Asheville-Biltmore Forest common boundary line to the Swannanoa River; thence West along the present corporate boundary and down the meanders of the Swannanoa River to its junction with the French Broad River; thence North along the Eastern margin of French Broad River along the present city boundary line to a point 10 feet North and below the concrete bridge (called Old West Asheville Bridge or sometimes called Street Car Bridge);

thence parallel with North line of said bridge to a point on the western margin of said bridge 10 feet North and below the bridge; thence South up the West margin of French Broad River along the present city boundary to the BEGINNING.

Sec. 2. The question of the foregoing extension of the corporate limits of the City of Asheville shall be submitted to the vote of the qualified electors of said city and the territory to be added thereto by such extension as contained in the boundaries hereinbefore set forth voting together.

Sec. 3. The election provided for in Section 2 of this Act shall be held on Tuesday, August 25, 1959, under the supervision of the Buncombe County Board of Elections, and in all particulars, other than those provided in this Act, shall be held and conducted and the qualifications of the voters at the election determined as nearly as may be practicable in accordance with the general laws governing elections. The test of qualification of voters in said election shall be, whether such voters are residents of the city or the territory provided to be added thereto, and whether the residents of the city shall be qualified voters of the City of Asheville and the residents of the territory proposed to be added thereto shall be qualified voters of Buncombe County, as shown by the registration books maintained by said County Board of Elections.

Sec. 4. The registration books shall be open for the registration of voters at nine o'clock A. M. on the fourth Saturday before the election. Said books shall be closed at seven o'clock P. M. on the second Saturday before the election. The Saturday before the election shall be challenge day. The registration books for those precincts in the County of Buncombe which include the territory outside of the City of Asheville proposed to be annexed shall be kept open during the same period provided for the registration of voters in the City of Asheville. The registrars in such precincts shall be present at the polling places of each precinct affected each Saturday during the period of registration from nine o'clock A. M. to seven o'clock P. M. for the registration of voters who are not already registered. The County Board of Elections shall publish, preceding the day of election, a notice of said election once a week for four successive weeks in a newspaper published in the City of Asheville. All voters shall vote at the voting places of the precinct for general elections in which they reside. The registration books used at the last general election held in Buncombe County shall be used at said election in all precincts in the city and in the territory to be annexed. Precincts partially included in the territory to be annexed shall have a new registration.

Sec. 5. At the election provided for herein, all voters of the city and the territory proposed to be added thereto, as set out above, when they present themselves to the polling places to vote, shall each be supplied by the election officials with a ballot, upon which the form of the question shall be substantially these words:

"For Extension of City Limits" and "Against Extension of City Limits", said alternates shall appear separate from each other on one ballot containing opposite and to the left of each alternate squares of appropriate size, in one of which squares the voter may make an "X" mark to desig-

nate the voter's choice for or against said extension of the city limits; such ballot shall be printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election. If at such election a majority of the votes cast shall be for extension of city limits, then on and after the 1st day of January, 1960, the corporate limits of said City of Asheville shall be extended as herein provided, the territory described above, which is now outside the boundaries of the City of Asheville, shall be a part of the corporate territory of said city and such territory and its citizens and the property therein located shall be subject to all the laws, ordinances and regulations in force in said city. The County Board of Elections shall declare the result of the election and certify it to the Asheville City Council, which shall cause it to be entered upon the records of the city. Provided, that in the sound discretion of the County Board of Elections, voting machines rather than paper ballots may be used in such election.

Sec. 6. If said election shall carry, then the County and City Boards of Elections, after the first day of January, 1960, shall provide for any additional voting precincts within the extended corporate limits, or for the extension of any precincts within the present city limits, including the territory added thereto, which they may deem necessary and for the transcribing of the names of all voters resident in the territory thus added to the city registration books of the precincts of the enlarged city in which they shall reside.

Sec. 7. Should said election carry, the City of Asheville is hereby authorized and empowered to plan for extending and to extend, municipal public works into the territory coming into the city limits by virtue of said election. The City of Asheville is granted the right to acquire the necessary lands in connection with such public works and to acquire property in connection therewith by condemnation, if necessary, under the present law governing condemnation of property within the present city limits of the City of Asheville, which said law is hereby extended to cover such added territory.

Sec. 8. When the corporate limits of the said City of Asheville are extended as herein provided, the territory described above shall be the corporate territory of the City of Asheville, and such territory, its citizens and property, shall be subject to the charter and all laws, ordinances and regulations in force in said city.

Sec. 9. (a) The City Council of Asheville shall, after the ratification of this Act, and prior to January 1, 1960, cause an accurate survey of the city boundaries to be made, and shall cause appropriate permanent monuments to be erected in order to identify the accurate lines as herein established.

(b) Upon completion of this survey, the City Council shall have filed in the city engineer's office and the county engineer's office a record of this survey, and in the event that this line bisects privately owned property of record, it shall be the right of said property owner to petition the city council, prior to November 1, 1959, to alter this line to either include or exclude all of his individual piece of recorded property. This Act shall

not be interpreted to make the city responsible for establishing any property line; it shall be expressly the obligation of the property owner requesting boundary changes to have filed a plat of his property with the Buncombe County Register of Deeds. After these conditions have been met, the city council may revise said city limits boundary, and upon completion of all revisions a certified plat of the boundaries of the City of Asheville shall be duly recorded in the Buncombe County Courthouse.

Sec. 10. (a) The City of Asheville shall assume responsibility for street and storm sewer maintenance in the newly annexed area on June 30, 1960, or such date as will not interfere with the City of Asheville receiving 1960-1961 "Powell Bill" appropriations for these streets from the North Carolina State Highway Commission.

(b) Garbage and sanitary services in the newly annexed area shall commence on July 1, 1960, or such prior date as may be designated by the City Manager of the City of Asheville.

(c) Parks and play ground services in the newly annexed area shall begin on July 1, 1960, or such prior date as may be designated by the City Manager of the City of Asheville.

(d) Sewer and water maintenance in the newly annexed area shall be transferred from special sewer districts to the city maintenance on July 1, 1960, with the exception of the Woodfin Water and Sanitary District which will be permitted to operate as a separate public utility, and will not be the responsibility of nor under the direction of the City of Asheville. The financing of water and sewer bonded indebtedness will be handled as hereinafter provided in this Act.

Sec. 11. (a) Codes and Ordinances. After January 1, 1960, the newly annexed area will be subject to any codes, ordinances, or statutes pertaining to the City of Asheville.

(b) Court Jurisdiction. The City of Asheville Police Court, the Asheville police officers, and all police matters shall be in force in the newly annexed area after July 1, 1960, or such prior date as fixed by agreement between the city council and the Clerk of the Superior Court of Buncombe County.

(c) Fire Protection. The Asheville Fire Department may render any service practicable in the newly annexed area after January 1, 1960. It shall be its duty to furnish all services in this area and to maintain the same standard of service as is now furnished in the present boundary limits of the City of Asheville after July 1, 1960.

Sec. 12. If the corporate limits of the City of Asheville should be extended as herein provided, the City of Asheville shall succeed to any real and personal property within the newly annexed area now held by any municipality, or special sanitary and water district (not including the Woodfin Sanitary and Water District), and in consideration of these properties the City of Asheville shall become obligated for its proportionate part of the bonded indebtedness of these agencies as hereinafter described. The City of Asheville shall assume a portion of the bonded debt of all water and sewer districts or municipalities in Buncombe County where part or parts of the territory of such water and sewer districts or munic-

ipalities are included within the boundary lines of the City of Asheville as extended. The percentage, or portion of the bonded debt of such water and sewer districts or municipalities to be assumed by the City of Asheville shall be that percentage or portion of such bonded debt as the assessed valuation of the entire territory of such water and sewer districts or municipalities; the assessed valuation to be computed as of the valuation upon the tax books of Buncombe County, May 1, 1960. As soon as practicable, after July 1, 1960, the Mayor of the City of Asheville and the Chairman of the Board of Commissioners of Buncombe County shall compute the amount of bonded indebtedness in each of the water and sewer districts or municipalities where a portion of the bonded debt is to be assumed by the City of Asheville, and compute the same on the basis contained in this Section, and shall be based on the bonded debt as it exists June 30, 1960, and they shall cause a record thereof to be made in the minutes of the proceedings of the Board of County Commissioners, and a copy thereof recorded in the minutes of the proceedings of the City Council of the City of Asheville, and thereafter there shall be levied annually in the City of Asheville a special tax of sufficient rate to pay the principal and interest of that part of said bonds so assumed, as the same become due, and it shall be the duty of the City of Asheville to cause the proceeds from said special tax to be paid over to the County Commissioners of Buncombe County to be used by them for the payment of that portion of the principal and interest of the bonds of the said water and sewer districts or municipalities so assumed by the City of Asheville, and no tax shall be levied in the City of Asheville by the Commissioners of Buncombe County for either the principal or interest of bonds of such water and sewer districts or municipalities which have been assumed by the City of Asheville, or for the maintenance or operation of any sewer or water systems within the said city.

Sec. 13. When the City of Asheville shall have assumed a portion of the bonded debt of said water and sewer districts or municipalities as provided for in the preceding Section, then all the pipe lines, both water and sewer, together with the other physical properties of said water and sewer districts or municipalities located within the boundary lines of the City of Asheville as enlarged, shall immediately become the property of the City of Asheville, and shall be administered by said city in the same manner as the city administers its present water and sewer systems.

Sec. 14. If any Section, clause or sentence of this Act shall be declared invalid, no other Section, clause or sentence of said Act shall be affected thereby.

Sec. 15. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 16. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1059 **CHAPTER 841**

AN ACT TO INCORPORATE THE TOWN OF BARNARDSVILLE IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Town of Barnardsville in Buncombe County is hereby incorporated and declared to be a body politic under the name and style of "Barnardsville", and as such shall have all the rights, powers and privileges conferred upon incorporated cities and towns by Chapter 160 of the General Statutes.

Sec. 2. The corporate limits of the Town of Barnardsville shall be as follows:

"BEGINNING at a stake on the northern bank of U. S. Highway 197, being the main road leading from Barnardsville to Asheville, said stake being located on the East side of Whittemore Creek Bridge, and runs South 12 degrees 39 minutes West 4200 feet to a stake, being the southwest corner of the reservoir tract belonging to the Buncombe County Board of Education; thence South 69 degrees 00 minutes East 3200 feet to a stake on the bank of Paint Fork Creek, being in N. E. Wilson's northern line; thence North 71 degrees 02 minutes East 3200 feet to a stake on the bank of Dillingham Creek Road, being 3200 feet from the center line of the intersection of U. S. Highway 197 and Dillingham Creek Road; thence North 36 degrees 30 minutes East 4700 feet to a stake on the bank of U. S. Highway 197, being in W. S. Compton's eastern line; thence North 63 degrees 30 minutes West 2600 feet to the top of Razor Mountain; thence North 76 degrees 30 minutes West 1400 feet to a stake on the bank of Poverty Branch Road, being George Harris's northwest corner; thence South 72 degrees 10 minutes West 4400 feet to the point of BEGINNING."

Sec. 3. The governing body of said town shall consist of a mayor and three commissioners and such other officials and employees as may be authorized pursuant to Chapter 160 of the General Statutes. The mayor shall have a right to vote only in the case of a tie vote.

Sec. 4. E. W. Cannon is hereby appointed mayor and Charles D. Dillingham, R. Woodrow Dillingham and George Harris are hereby appointed town commissioners, all to serve until their successors are duly elected and qualified at the regular 1961 municipal election at which time, and biennially thereafter, the mayor and commissioners shall be elected at the regular biennial municipal elections.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1061 **CHAPTER 842**

AN ACT TO PROVIDE FOR FIXING SALARIES AND EXPENSE ALLOWANCES OF OFFICERS AND EMPLOYEES OF CRAVEN COUNTY AND ITS SEVERAL DEPARTMENTS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Craven County shall be and they are hereby authorized and empowered to provide such number of assistants, deputies, clerks and employees, for the officers, both elective and appointive, or departments of the government of Craven County, as in its discretion are required to properly and efficiently maintain the services of such offices or departments, and to fix from time to time the compensation which they shall receive.

Sec. 2. Said board of commissioners shall have the power and authority to increase any salaries and allowances for travelling or other expenses presently paid to any officer of Craven County or to his assistants, deputies and clerks and to any other employee of Craven County.

Sec. 3. Said board of commissioners shall have the power and authority, in their discretion, to pay any compensation to any of the foregoing in excess of that which they are now receiving, retroactively to March 1, 1959.

Sec. 4. All laws and clauses of laws, including Chapter 117, Session Laws of 1951, Chapter 243, Session Laws of 1953, Chapter 652, Session Laws of 1955 and Chapter 77, Session Laws of 1957, in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1067 **CHAPTER 843**

AN ACT TO AMEND CHAPTER 36, PRIVATE LAWS OF 1915 RELATIVE TO THE TENURE OF OFFICE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF WEST JEFFERSON, ASHE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 5 of Chapter 36, Private Laws of 1915 be and the same is hereby rewritten to read as follows:

"An election for the selection of the Mayor and Board of Aldermen of the Town of West Jefferson shall be held on the first Tuesday after the first Monday in May, 1960, and an election shall be held every four years thereafter for said officers."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1090 **CHAPTER 844**

AN ACT TO AMEND CHAPTER 378 OF THE SESSION LAWS OF 1955 RELATING TO THE PREPAYMENT OF TAXES IN MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE, SO AS TO MAKE THE SAME APPLICABLE TO THE TOWN OF CORNELIUS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 378 of the Session Laws of 1955 is hereby amended by adding a new Section to be designated as Section 4½, and to read as follows:

"Sec. 4½. The provisions of this Act shall also apply to the Town of Cornelius."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1099 **CHAPTER 845**

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, which fixes the terms of Superior Court to be held in Catawba County is hereby amended by inserting immediately after the semicolon in line five thereof the following: "the seventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only;".

Sec. 2. That portion of G. S. 7-70, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, which authorizes the Chief Justice to assign the judge holding the courts of the twenty-fifth judicial district to hold terms of court for the weeks beginning the seventh Monday after the first Monday in March and the eighth Monday after the first Monday in March is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1101 **CHAPTER 846**

AN ACT TO AMEND CHAPTER 1278 OF THE SESSION LAWS OF 1957, RELATING TO THE ELECTION OF THE JUDGES AND SOLICITORS OF THE MUNICIPAL-COUNTY COURT OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 1278 of the Session Laws of 1957 is hereby amended by striking out the period after the word "Judge", appearing in line 23 of said Section, inserting a semicolon, and by adding the following:

"Provided, however, that if the incumbent judge is elected to the office of the senior judge, then his term shall expire at the same time his term as incumbent judge would have expired."

Sec. 2. If any part of this Act shall be declared unconstitutional or invalid, the remainder of the Act shall, nevertheless, remain in full force and effect.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1106 **CHAPTER 847**

AN ACT TO AMEND G. S. 163-175 RELATING TO THE MARKING OF BALLOTS IN PRIMARY AND GENERAL ELECTIONS IN THE CITY OF WASHINGTON IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-175, as the same appears in the 1957 Supplement to the General Statutes, is amended by adding at the end thereof the following:

"In all municipal and primary elections held in the City of Washington, in Beaufort County, where there are a group of candidates for the same office printed on the ballot and the names of several candidates therefor appear on the ballot grouped under the office for which they are running the elector shall cast his or her vote for as many candidates as there are offices to be filled, and where an elector votes for any number of such group of candidates less than the number of offices to be filled, such ballot shall not be counted for any of the group candidates for said offices. There shall be printed under the title of the offices for group candidates the number of candidates to be voted for."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1107 **CHAPTER 848**

AN ACT TO AMEND CERTAIN SECTIONS OF ARTICLES 30 AND 31, CHAPTER 7, OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE ESTABLISHMENT OF GENERAL COUNTY COURTS AS SAID SECTIONS RELATE TO BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-265 and G. S. 7-266 shall not apply to the establishment of a general county court in Beaufort County.

Sec. 2. G. S. 7-280 is amended by adding at the end thereof the following:

"A general county court for Beaufort County may be established by elections on the question of such establishment as set forth in this Article. The Board of County Commissioners of said county may pass a resolution if, in its opinion, such court should be established, reciting such fact and calling an election to be held only on the date of the biennial election for county officers at which election there shall be submitted to the qualified voters of the county the question of establishing such court. Any election called under authority of this Act shall be conducted and the results canvassed as is provided by G. S. 7-282, 7-283 and 7-284."

Sec. 3. In the event an election is called and held as provided in this Act and a general county court is established for Beaufort County, then, and in such event, the following statutes are amended insofar as they relate to the general county court of Beaufort County:

(1) G. S. 7-278 is amended by adding at the end thereof the following: "This Section shall not apply to the general county court in and for Beaufort County."

(2) G. S. 7-279 is amended as follows:

(a) Subsection 2 is amended by changing the semicolon at the end thereof to a comma and adding the following: "Provided, however, that the jurisdiction of the general county court in and for Beaufort County shall be concurrent with that of the Superior Court in all actions founded on contract in which the amount involved, exclusive of interest and costs, does not exceed five thousand dollars ($5,000.00)."

(b) Subsection 3 is amended by changing the semicolon at the end thereof to a comma and adding the following: "Provided, however, that the jurisdiction of the general county court in and for Beaufort County shall be concurrent with that of the Superior Court in all actions not founded on contract in which the amount involved, exclusive of interest and costs, does not exceed five thousand dollars ($5,000.00)."

(c) Subsection 4 is amended by changing the semicolon at the end thereof to a comma and adding the following: "Provided this subsection shall not apply to the general county court in and for Beaufort County."

(d) Subsection 5 is amended by changing the semicolon at the end thereof to a comma and adding the following: "Provided, however, that the general county court in and for Beaufort County shall have no jurisdiction to issue permanent restraining orders and injunctions but

shall have jurisdiction concurrent with the Superior Court to issue restraining orders to be returnable before the Resident Judge of the Superior Court of the District including Beaufort County or the judge presiding over the Superior Courts of said District."

(e) Subsection 7 is amended by changing the semicolon at the end thereof to a comma and adding the following: "Provided that this subsection shall not apply to the general county court in and for Beaufort County."

(f) Subsection 8 is amended by changing the semicolon at the end thereof to a comma and adding the following: "Provided that this subsection shall not apply to the general county court in and for Beaufort County."

(3) G. S. 7-268 is amended as follows: By changing the period at the end of said Section to a comma and adding the following: "Provided that this Section shall not apply to the general county court in and for Beaufort County."

(4) Section 7-271 of the General Statutes of North Carolina is hereby amended by adding at the end thereof a provision to read as follows: "Provided that the judge of the general county court in and for Beaufort County shall ex officio be and act as the judge of the existing Recorder's Court in Beaufort County for the district embracing Washington Township, Long Acre Township, Chocowinity Township, and a part of Bath Township, and except as herein provided nothing in this Act shall affect the present Recorders' Courts in Beaufort County."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1108 CHAPTER 849

AN ACT REWRITING SECTION 1 OF CHAPTER 479, PUBLIC-LOCAL LAWS OF 1917, AND AMENDING CHAPTER 273, PUBLIC-LOCAL LAWS OF 1937, AS AMENDED, SO AS TO INCREASE THE TERMS OF OFFICE OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS AND THE TAX COLLECTOR OF BUNCOMBE COUNTY FROM TWO TO FOUR YEARS.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 479, Public-Local Laws of 1917, be and the same is hereby rewritten to read as follows:

"Section 1. There shall be elected in Buncombe County at the General Election to be held in the year 1960, and every four years thereafter, by the duly qualified voters thereof, a board of county commissioners composed of three persons who shall serve for terms of four years each from the first Monday in December after their election and until their successors are duly elected and qualified."

Sec. 2. That Section 12, Chapter 273, Public-Local Laws of 1937, as rewritten by Section 1 of Chapter 97, Public-Local Laws of 1939, be and the same is hereby amended by striking out the word "two" appearing in line 7 of said Section as rewritten, and inserting in lieu thereof the word "four".

Sec. 3. The provisions of Section 2 of this Act shall first apply to the Tax Collector for the Board of Tax Supervision of Buncombe County nominated and elected in the year 1960.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1109 CHAPTER 850

AN ACT TO RATIFY THE OFFICIAL ACTS OF COOPER G. GRIZZARD, FORMER CLERK OF THE TOWN OF FARMVILLE.

The General Assembly of North Carolina do enact:

Section 1. All the official acts of Cooper G. Grizzard, while he was serving as Town Clerk of the Town of Farmville, for the period December 15, 1958 through April 30, 1959, are hereby in all respects confirmed, ratified and validated.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1110 CHAPTER 851

AN ACT AMENDING SECTION 3, CHAPTER 327, PRIVATE LAWS OF 1913, AS AMENDED, SO AS TO PROVIDE FOR NONPARTISAN PRIMARIES IN THE TOWN OF HAMLET.

The General Assembly of North Carolina do enact:

Section 1. That Section 3, Chapter 327, Private Laws of 1913, as rewritten by Chapter 219, Private Laws of 1923 and amended by Chapter 475, Public-Local Laws of 1931, be and the same is hereby further amended by adding at the end thereof three subsections to be numbered (a), (b) and (c) and reading as follows:

"(a) On and after the effective date of this Act all candidates to be voted on in general municipal elections in the Town of Hamlet shall be nominated in nonpartisan primaries in a manner and form herein prescribed, and no other name shall be printed on the official ballot for such general elections unless such candidate or candidates are nominated under the provisions of this Act.

"(b) On a second Tuesday preceding the general municipal election in the Town of Hamlet, there shall be called, held, conducted and concluded under the direction of the Mayor and Board of Commissioners of the Town of Hamlet by election officials, designated and approved by them for that purpose, a nonpartisan primary for the purpose of nominating candidates for mayor and commissioners for the Town of Hamlet. All candidates shall file their notices of candidacy with the town clerk not later than 5:00 o'clock P. M. on the fourth Tuesday preceding such general election and each shall pay a filing fee of ten dollars ($10.00).

"(c) The registration books shall be opened on the sixth, seventh, and eighth Saturdays next preceding the first Tuesday after the first Monday in May when the general election is held. The registration books shall not thereafter be opened for registration for either the primary or the general municipal election except for persons qualifying by the time of closing of the books and the general election, as in the case of newly qualified voters under the general election laws of the State. The fifth Saturday next preceding such general election shall be set for challenge day for the registration. In the event not more than two candidates file for each office to be filled in any general election, no primary shall be held. If more than two candidates file for each position, a primary shall be held and only the names of the two candidates receiving the highest number of votes in the primary shall be placed on the general election ballot. In no case will there be a second primary. In all other respects, primary elections for the Town of Hamlet shall be governed by the general law provided for primary elections in subchapter II of Chapter 163 of the General Statutes insofar as such general laws may be construed to apply to municipal primaries, and in all other respects where the general laws of the State cannot be construed to conform to the provisions of the procedures of a municipal primary, said primary shall be governed by rules and regulations to be adopted by the Mayor and Board of Commissioners of the Town of Hamlet for such primaries."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1115 CHAPTER 852

AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO PERMIT AND AUTHORIZE THE ERECTION OF A BUILDING OR BUILDINGS OR OTHER IMPROVEMENTS WHICH SHALL EXTEND OVER HOWELLS ARCADE AND CERTAIN ALLEYWAYS IN CHARLOTTE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The City of Charlotte, North Carolina, shall have authority to permit and authorize the erection and maintenance of a building or

buildings or other improvements, which shall extend over Howells Arcade and alleyways shown on maps which are recorded in Book 332, Page 36, and Book 230, Page 11, in the Office of the Register of Deeds for Mecklenburg County, North Carolina, said buildings or improvements to be of such design, and to occupy such location, as the City of Charlotte may approve.

Sec. 2. This Act shall apply only to the City of Charlotte.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1132 CHAPTER 853

AN ACT TO AMEND SECTION 6 OF CHAPTER 1191 OF THE SESSION LAWS OF 1957 RELATING TO THE DISPOSITION OF THE NET PROFITS OF ALCOHOLIC BEVERAGE CONTROL STORES OF THE TOWN OF CLINTON.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of Section 6, Chapter 1191 of the Session Laws of 1957, is hereby amended and rewritten to read as follows:

"(a) Twenty per cent (20%) to the Clinton City Board of Education as a capital outlay reserve fund and/or as a supplement to the current expense fund, including supplements to teachers' salaries. Such amount shall supplement and not supplant the amount normally budgeted by the City Board of Education and the Board of County Commissioners of Sampson County for such purposes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1134 CHAPTER 854

AN ACT ADOPTING OFFICIAL RECORDS OF UNCOLLECTED TAXES FOR THE YEARS 1956 AND 1957 FOR THE COUNTY OF BUNCOMBE AND THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. In order to clarify and make more definite the tax records for the County of Buncombe and the City of Asheville those certain annual records of uncollected taxes for the years 1956 and 1957 designated as "Condensed Tax Scroll for the Year 1956" and "Condensed Tax Scroll for the Year 1957", shall, upon official adoption by resolution of the

Board of Tax Supervision for Buncombe County, be declared the official scroll book or record of unpaid taxes due the County of Buncombe and the City of Asheville for the years 1956 and 1957 and be substituted in all respects for the old scroll books for said years.

Sec. 2. All taxes due the City of Asheville, the County of Buncombe or the Board of Tax Supervision for Buncombe County for the years 1956 and 1957 which do not appear as unpaid or assigned on said Condensed Tax Scrolls, shall, upon the adoption of said scrolls by resolution of the Board of Tax Supervision, be conclusively presumed to have been paid, and the Tax Collector of the Board of Tax Supervision for Buncombe County shall not be responsible for the omission from such Condensed Tax Scrolls of any unpaid taxes for the years 1956 and 1957.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1151 CHAPTER 855

AN ACT AUTHORIZING THE CITY OF ROCKY MOUNT TO LEASE OR GRANT EASEMENTS IN CERTAIN LAND THAT IS NOT NEEDED FOR MUNICIPAL PURPOSES.

WHEREAS, the City of Rocky Mount is the owner of a certain parcel of land, within its corporate limits in Nash County, constituting a small portion of a larger area now used as a municipal park; and

WHEREAS, said land is not now needed for park or other municipal purposes; and

WHEREAS, said land is ideally adaptable for use as the site of an electric power substation to be used by a public utility furnishing electricity to the City of Rocky Mount and such use is to and for the benefit of the City of Rocky Mount and its citizens: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Rocky Mount, in the exercise of its discretion, is hereby authorized to lease or grant easements in that certain parcel of land within its corporate limits in Nash County, more particularly described as follows:

"COMMENCING at the northwest point or corner of the sediment basin of the Rocky Mount Water Plant along Riverside Drive, said point being the nearest point of said plant to Riverside Drive; thence along the northern base of the sediment basin in an easterly direction 99.4 feet to a corner of said sediment basin; thence making a turn to the left having an interior angle of 90 degrees and running along a line in a northerly direction across Riverside Drive 84.2 feet to a point in the northern edge of the right of way of Riverside Drive, which point is the point and place of BEGINNING; thence North 21 degrees 30 minutes

West 144 feet more or less to the edge of the bank of the Tar River; thence in a westerly direction along the bank of the Tar River 168 feet to a point; thence South 21 degrees 30 minutes East 186.6 feet more or less to a point in the northern edge of the right of way of Riverside Drive; thence with the northern edge of the right of way of Riverside Drive in an easterly direction 173.6 feet to the point and place of BEGINNING."

The terms and conditions of said leases or easements shall be such as said governing body of said city deem appropriate and the mayor and city clerk of said city, upon being authorized by said governing body, are hereby empowered to execute such leases, deeds of easements, or other instruments necessary thereto.

Sec. 2. No lease or granting of easement in said property shall be had until notice thereof shall have been given to the public by publishing the same once a week for two successive weeks in a newspaper published in the City of Rocky Mount and a public hearing held in relation thereto, the first publication of said notice to be at least ten days prior to the public hearing. Such notice shall state (1) the intention of said governing body to consummate a lease or grant easements in said land, (2) a brief description of the property, (3) the terms of the proposed lease or easement, (4) the time and place of the public hearing, and (5) that any citizen objecting to the proposed lease or easement may present his objection at the public hearing.

Sec. 3. Section 59 of Chapter 160 of the General Statutes of North Carolina and all other laws or clauses of laws in conflict herewith shall be inapplicable to the transactions herein authorized.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1152 CHAPTER 856

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, which fixes the terms of Superior Court to be held in the Eighteenth Judicial District is hereby amended as follows:

(1) By striking the word "criminal" from lines three, seven, eight, eleven, eighteen, and twenty-one of the second paragraph under Rotation Schedule "A", said second paragraph being the one which fixes the terms of court in the Greensboro Division, and inserting in lieu thereof in each said line, the word "civil".

(2) By striking the word "civil" from lines three, seven, twelve, sixteen, eighteen, and twenty of the first paragraph under Rotation Sched-

ule "B", said first paragraph being the one which fixes the terms of court in the Greensboro Division, and inserting in lieu thereof in each said line, the word "criminal".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1153 CHAPTER 857

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GASTON COUNTY TO PROVIDE FUNDS FOR THE CONSTRUCTION OF LIBRARY BUILDINGS IN STANLEY AND LOWELL.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Gaston County is hereby authorized in its discretion to divert a sum not to exceed forty-four thousand dollars ($44,000.00) from the Accumulated Debt Service Fund of the County for the purpose of providing funds for the construction of a public library building in each of the towns of Stanley and Lowell.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

H. B. 1206 CHAPTER 858

AN ACT TO AMEND ARTICLE 24 OF SUBCHAPTER VI, CHAPTER 7 OF THE GENERAL STATUTES RELATING TO MUNICIPAL RECORDER'S COURTS SO AS TO PROVIDE DEPUTY OR ASSISTANT CLERKS FOR SUCH COURTS.

The General Assembly of North Carolina do enact:

Section 1. Article 24 of subchapter VI, Chapter 7 of the General Statutes is hereby amended by inserting after Section 200 (G. S. 7-200) thereof a new Section reading as follows:

"§ 7-200.1. Deputy or Assistant Clerks of Court. The governing body of the municipality may, at any time it deems necessary and in the same manner as is provided in this Article for the election of the clerk of court, elect a deputy or assistant clerk of court, who before entering upon his duties shall enter into a bond, in the same manner and amount as is now required for the clerk of court. Upon compliance with the provisions of this Article, such assistant or deputy clerk shall be as fully authorized and empowered to perform all the duties and functions of the office of clerk of municipal recorder's court as the clerk himself and shall be fully

empowered to issue all process of the court, administer oaths, receive moneys and do all other things necessary to the operation of his office. The compensation of such office shall be fixed by the governing body of the municipality, shall consist of a salary only, which salary shall not be subject to be diminished during such deputy's or assistant's term of office. Provided, the clerk of the municipal recorder's court shall be held responsible for the official acts of such deputy or assistant clerk. Provided, further, that the election of a deputy or assistant clerk under this Article shall be in the discretion of the governing body of the municipality subject to their finding that a deputy or assistant clerk is necessary to the operation of the court."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

S. B. 196 CHAPTER 859

AN ACT TO AMEND CHAPTER 895 OF THE SESSION LAWS OF 1947 RELATING TO THE OPERATION OF CARNIVALS IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 895 of the Session Laws of 1947 is hereby amended by changing the period at the end of Section 1 thereof to a semicolon and adding the following:

"provided, further, that this Act shall not apply to any carnivals, fairs, amusement companies or shows sponsored by or held under the auspices of a recognized and duly organized fire department in Louisburg Township, in Franklin County.

"Such carnivals, fairs, amusement companies or shows sponsored by or held under the auspices of said recognized and duly organized fire department may be held at any time, notwithstanding any provisions of Chapter 895 of the Session Laws of 1947 or of any other law."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

S. B. 347 **CHAPTER 860**

AN ACT TO AMEND G. S. 153-9 (43) 1957 CUMULATIVE SUPPLEMENT SO AS TO MAKE ITS PROVISIONS APPLICABLE TO THE COUNTY OF CARTERET.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-9, subsection 43, 1957 Cumulative Supplement, be and the same is hereby amended so as to make its provisions applicable to the County of Carteret.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

S. B. 384 **CHAPTER 861**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF FUQUAY SPRINGS, WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the Town of Fuquay Springs are hereby declared to be as follows:

BEGINNING at an iron rod the southeastern corner of the present existing corporate limits of the Town of Fuquay Springs; thence East 1650 feet to a point; thence North 4,255 feet to a point in the center line of Durham-Southern Railway tracks; thence with the Durham-Southern Railway tracks North 53 degrees 26 minutes West 746.90 feet to a point 1,050 feet East of the existing corporate limits of the Town of Fuquay Springs; thence leaving the Durham-Southern Railway tracks and crossing U. S. Highway No. 401 North 4,245 feet to a point; thence West 815.00 feet to a point; thence South 66 degrees 10 minutes West, 2,351.10 feet to a point; thence North 33 degrees 10 minutes West, 2,367.40 feet to a point near Fuquay-Varina Radio Transmission Station; thence South 66 degrees 35 minutes West, 1,748.80 feet to a point; thencc South 54 degrees 47 minutes West, 1,664.70 feet to a point; thence South 10,560 feet on a line parallel to the West corporate line of the Town of Fuquay Springs' present limits and 1,000 feet West of said line, to a point; thence South 86 degrees 20 minutes East, 2,044.30 feet to a point; thence South 2 degrees East, 728.00 feet to a point in center line of old highway; thence continuing South 2 degrees East along the J. E. Howard property line South 2 degrees East 1,818.00 feet to a point in the center line of U. S. Highway No. 401; thence with the center line of U. S. Highway No. 401, North 31 degrees 15 minutes East, 2,237.00 feet to a point in curve; thence North 28 degrees 25 minutes East, 175.00 feet to a point in center line of U. S. Highway No. 401 at a point 2,850 feet South from the existing corporate limits of Town of Fuquay Springs; thence leaving U. S. Highway No. 401 and continuing East 675.00 feet to a point; thence North 850.00 feet to a point; thence

East 2,370.00 feet to a point in the West property line of Town of Fuquay Springs' Sewage Disposal Plant site; thence with the line of Town of Fuquay Springs' Sewage Disposal Plant site South 11 degees 12 minutes West, 465.00 feet to a corner in said line; thence South 87 degrees 03 minutes East, 331.80 feet to a point in center line of Kenneth Branch; thence North along the center line of Kenneth Branch approximately 2,600 feet to the point where said branch intersects existing corporate limits line of the Town of Fuquay Springs at a point 195.00 feet West of the southeast corner of the existing corporate limits line of the Town of Fuquay Springs; thence with the existing corporate limits line of the Town of Fuquay Springs East 195.00 feet to the point and place of beginning, being the southeast corner of the existing corporate limits line of the Town of Fuquay Springs; containing 1,976.20 acres, more or less (said acreage including 757.70 acres now within the existing corporate limits of the Town of Fuquay Springs and representing 1,218.50 acres of additional area to the existing corporate limits of the Town of Fuquay Springs).

Sec. 2. This Act shall apply only to the Town of Fuquay Springs.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 453 CHAPTER 862

AN ACT TO AMEND G. S. 160-59, RELATING TO THE DISPOSAL OF PROPERTY BY CITIES AND TOWNS AND TO PERMIT THE DISPOSAL OF PROPERTY AT PRIVATE SALE TO OTHER GOVERNMENTAL UNITS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-59, as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes of North Carolina, is hereby amended to read as follows:

"The governing body of any city or town shall have power at all times to sell at public outcry, after thirty days' notice, to the highest bidder, any property, real or personal, belonging to any such town, and apply the proceeds as they may think best: provided, that when the governing body shall determine that it is in the public interest, municipally-owned personal property, which is surplus, unused or obsolete, may be sold upon sealed bids after one week's public notice, to the highest bidder. Sealed bid proposals shall be opened in public and recorded on the minutes of the governing body. The public notice shall state the time and place for opening of proposals and shall reserve to the governing body the right to reject all bids.

"Provided further, the governing body of any city or town may dispose of any municipally-owned personal property at private sale to any other governmental unit, or agency thereof, within the United States."

Sec. 2. The powers granted herein are in addition to and not in substitution for existing powers granted by general laws or special acts to cities and towns.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 501 CHAPTER 863

AN ACT AMENDING G. S. 97-99 SO AS TO PERMIT NOTICE OF CANCELLATION OF POLICIES OF WORKMEN'S COMPENSATION INSURANCE TO BE GIVEN BY CERTIFIED MAIL AS WELL AS BY REGISTERED MAIL.

The General Assembly of North Carolina do enact:

Section 1. Section 97-23, as the same appears in the 1958 Replacement Volume 2C of the General Statutes, is hereby amended by inserting between the words "letter" and "addressed", as the same appear in line 11 thereof, the words "or certified mail".

Sec. 2. Section 97-61.3, as the same appears in the 1958 Replacement Volume 2C of the General Statutes, is hereby amended by inserting between the word "mail" and the period, as the same appears in line 14 thereof, the words "or certified mail".

Sec. 3. Section 97-61.4, as the same appears in the 1958 Replacement Volume 2C of the General Statutes, is hereby amended by inserting between the word "mail" and the period, as the same appears in line 18 thereof, the words "or certified mail".

Sec. 4. Section 97-86, as the same appears in the 1958 Replacement Volume 2C of the General Statutes, is hereby amended by inserting between the words "mail" and "of", as the same appear in line 5 thereof, the words "or certified mail".

Sec. 5. Section 97-99(a), as the same appears in the 1958 Replacement Volume 2C of the General Statutes, is hereby amended by inserting between the word "mail" and the period, as the same appears in line 7 thereof, the words "or certified mail"; and by inserting between the words "mail" and "to", as the same appear in line 10 thereof, the words "or certified mail".

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 711 **CHAPTER 864**

AN ACT RELATING TO THE AMASSING OF FUNDS WITH WHICH TO ERECT A NEW JAIL FOR LEE COUNTY OR TO IMPROVE THE EXISTING JAIL OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All delinquent taxes hereafter collected by Lee County shall, at the discretion of the Board of Commissioners of Lee County, go into a special fund to be used under the direction and in the discretion of the Lee County Board of Commissioners for the purpose of erecting a new jail for Lee County and for the purpose of adding to and/or improving the existing jail.

Sec. 2. The Lee County Board of Commissioners is hereby authorized to levy, commencing with the 1959 tax levy, a special tax not in excess of five cents (5¢) on each one hundred dollars ($100.00) of property valuation of real and personal property to provide funds to be used in erecting a new jail for Lee County or for the purpose of adding to and/or improving the existing jail.

Sec. 3. The Board of County Commissioners of Lee County is hereby authorized, pending the use and disbursement of all funds which may hereafter be collected by reason of said delinquent taxes and special levy, to invest such funds in such manner as will meet the approval of the North Carolina Local Government Commission.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 795 **CHAPTER 865**

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 87 OF THE GENERAL STATUTES RELATING TO THE STATE BOARD OF EXAMINERS OF PLUMBING AND HEATING CONTRACTORS TO PROVIDE THAT OPERATING SURPLUS AND EXAMINATION FEES SHALL BE USED TO DEFRAY EXPENSES OF THE BOARD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 87-27, as the same appears in the 1958 Replacement Volume 2C of the General Statutes, is hereby amended by striking out the "colon" in line 7, inserting in lieu thereof a "period", and striking out the remainder of said Section.

Sec. 2. Chapter 87 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 87-22, to be designated as G. S. 87-22.1, and to read as follows:

"G. S. 87-22.1. The Board shall charge an examination fee of ten dollars ($10.00) for each regular examination provided, and such funds collected shall be disbursed upon warrant of the Chairman and Secretary-

Treasurer, to partially defray general expenses of the Board. Such examination fee shall be retained by the Board irrespective of whether or not the applicant is granted a license."

Sec. 3. The provisions of this Act shall be applicable with respect to the fiscal year beginning January 1, 1959, and ending December 31, 1959, and all succeeding years.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 826 CHAPTER 866

AN ACT TO AMEND ARTICLE I OF CHAPTER 58 OF THE GENERAL STATUTES DEFINING AS AN INSURANCE CONTRACT CERTAIN MOTOR VEHICLE WARRANTIES.

The General Assembly of North Carolina do enact:

Section 1. Article I, Chapter 58 of the General Statutes, is hereby amended by adding a new Section immediately following G. S. 58-3, to be designated as G. S. 58-3.1, and to read as follows:

"G. S. 58-3.1. Motor Vehicle Warranties. Any motor vehicle warranty issued by a person as defined in this Article, other than a warranty made solely by the manufacturer or seller without charge, guaranteeing indemnity for defective parts, mechanical breakdown and labor shall be a contract of insurance."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 861 CHAPTER 867

AN ACT TO PRESCRIBE THE FILING FEES OF CANDIDATES FOR OFFICE OF THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. At the time of filing notice of candidacy for election for any office of the City of Durham, each candidate shall pay to the County Board of Elections a filing fee of one per cent (1%) of the maximum annual compensation allowable to the office for which such candidate offers for election.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 894 CHAPTER 868

AN ACT TO AMEND THE CHARTER OF THE CITY OF HENDERSONVILLE AND G. S. 160-402, AS IT APPLIES TO HENDERSONVILLE, SO AS TO INCREASE THE LIMITATION ON THE LEVY OF TAXES FOR GENERAL PURPOSES TO ONE DOLLAR AND SIXTY CENTS PER ONE HUNDRED DOLLARS VALUATION.

The General Assembly of North Carolina do enact:

Section 1. Section 31 of Chapter 352 of the Private Laws of 1913, is hereby amended by striking out the words "one dollar and fifty cents" in lines 7 and 8 thereof and substituting therefor the words "one dollar and sixty cents".

Sec. 2. G. S. 160-402 is hereby amended by adding at the end thereof the following new sentence:

"Provided that the City of Hendersonville may levy and collect an annual ad valorem tax on all taxable property within the municipality at a rate not exceeding one dollar and sixty cents ($1.60) on the one hundred dollars ($100.00) valuation of said property, for the purpose of raising revenue for defraying expenses incident to the proper government of the municipality."

Sec. 3. The increases in permissible rates of taxes authorized by this Act shall be effective at the beginning of the fiscal year commencing July 1, 1959.

Sec. 4. This Act shall apply only to the City of Hendersonville.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 939 CHAPTER 869

AN ACT REPEALING CHAPTER 138 PUBLIC LAWS OF 1941 RELATING TO FIREMEN'S RELIEF FUND.

The General Assembly of North Carolina do enact:

Section 1. Chapter 138, Public Laws of 1941, is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 952 **CHAPTER 870**

AN ACT TO AUTHORIZE THE COUNTY OF POLK TO ERECT AND EQUIP A NEW COUNTY BUILDING, AND TO ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. That the County of Polk, through its Board of County Commissioners, is hereby authorized and empowered to issue not exceeding fifteen thousand dollars ($15,000.00) bonds of the county for the purpose of erecting and equipping a county building to provide offices and facilities for various departments, agencies and bureaus of the county, and acquiring a site for the same. Said bonds shall be issued in accordance with the provisions of the County Finance Act, as amended, and the Local Government Act, as amended.

Sec. 2. That the powers granted by this Act are granted in addition to and not in substitution for existing powers of said county.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 956 **CHAPTER 871**

AN ACT TO PROVIDE THE FORM OF FINANCIAL STATEMENTS OF THE CITY OF CHARLOTTE REQUIRED UNDER THE PROVISIONS OF G. S. 160-383.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 321, Public Laws of 1933, be and the same is hereby amended by striking out the period at the end thereof, inserting a comma, and adding the following: "except the City of Charlotte located in said County of Mecklenburg."

Sec. 2. This Act shall be applicable to the City of Charlotte only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 958 **CHAPTER 872**

AN ACT TO AMEND G. S. 20-118(j) RELATING TO THE GROSS WEIGHT OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-118(j), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out

the words "fifty-six" in line 2 thereof and substituting therefor the words "sixty-two".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 999 CHAPTER 873

AN ACT TO AMEND CHAPTER 185 OF THE PRIVATE LAWS OF 1929, RELATING TO THE MAXIMUM RATE OF TAX TO BE LEVIED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF VANCEBORO IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 41 of Chapter 185 of the Private Laws of 1929 is amended by striking out, in line 5, the word "twenty-five" and inserting in lieu thereof the word "fifty".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 1021 CHAPTER 874

AN ACT TO AMEND G. S. 7-64 RELATING TO CONCURRENT JURISDICTION OF SUPERIOR AND RECORDERS' COURTS IN CERTAIN COUNTIES OF THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-64, as the same appears in the 1957 Supplement to the General Statutes, is amended by striking from the proviso of said Section the words "Currituck," "Dare," "Gates," "Hyde," and "Perquimans,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 1049 **CHAPTER 875**

AN ACT TO FIX LIMITATIONS UPON THE AUTHORITY OF THE BOARD OF COMMISSIONERS OF PAMLICO COUNTY TO LEVY CERTAIN SPECIAL TAXES AND TO AUTHORIZE SAID BOARD TO LEVY A SPECIAL LIMITED TAX FOR PURPOSES OF RETIREMENT AND SOCIAL SECURITY BENEFITS FOR COUNTY EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the County of Pamlico is hereby authorized to continue the levy in each of the fiscal years 1959-1960 and 1960-1961, the following special ad valorem taxes originally authorized in 1951, but said board shall have no authority to levy for said special purposes in excess of the limitations herein prescribed;

(a) Not to exceed five cents (5¢) on the one hundred dollars ($100.00) valuation of property for the special purpose of maintaining the offices of county farm agent and county home demonstration agent.

(b) Not to exceed five cents (5¢) on the one hundred dollars ($100.00) valuation of property for the special purpose of maintaining the office of county accountant.

(c) Not to exceed one cent (1¢) on the one hundred dollars ($100.00) valuation of property for the special purpose of maintaining the office of county veterans service officer.

(d) Not to exceed four cents (4¢) on the one hundred dollars ($100.00) valuation of property for the special purpose of maintaining the office of county forest fire warden.

Sec. 2. In order to afford to the employees of Pamlico County the benefits of retirement and social security systems, the Board of Commissioners of Pamlico County is hereby further authorized to levy a special ad valorem tax not to exceed five cents (5¢) on the one hundred dollars ($100.00) valuation of property for the special purpose of defraying the cost to the county of providing social security and retirement benefits for said county employees.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 1051 **CHAPTER 876**

AN ACT TO ESTABLISH A LAW LIBRARY IN AND FOR PASQUOTANK COUNTY.

WHEREAS, a law library is deemed a necessity for the use of the officials of Pasquotank County, the resident judge of said county, the courts held in said county, and licensed attorneys practicing law in said county; and

WHEREAS, it is desired to provide for the proper equipment, books, records necessary and requisite, and for the support and maintenance of said library: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of County Commissioners, the Clerk of the Superior Court, and the President of the Pasquotank County Bar Association, and their successors in office, be and they are hereby constituted the custodians of all books, supplies, equipment and furniture of the law library which shall be kept and maintained for the County of Pasquotank and the use of the officials of said county and the courts held therein.

Sec. 2. All books, equipment, supplies and furniture of said library shall be the property of the County of Pasquotank, and the said county is authorized and empowered to hold said property and to add thereto from time to time by gift, donation, purchase or otherwise, such books, records, equipment and furniture as may be deemed reasonably necessary and proper for the use of said officials, courts, attorneys, and the general public.

Sec. 3. The Clerk of Superior Court of Pasquotank County shall be, and he is hereby constituted to act as librarian of said library, without compensation. It shall be the duty of said librarian to keep said library open during such hours as may be fixed by the custodians hereinbefore provided for, and shall obey all rules and regulations which may be prescribed for the government and management of said library.

Sec. 4. In order to provide a fund for the extension, maintenance and support of said library, the sum of one dollar ($1.00) shall be taxed as cost and collected by the Clerk of Superior Court in each and every criminal case tried and disposed of in the County Court and the Superior Court of Pasquotank County after the ratification of this Act, and the same shall be put in a fund to be known and designated as a library fund; and the said fund shall be deposited by the Clerk of Superior Court in a bank designated for that purpose and shall be used solely for the purpose of purchasing books, equipment and providing for the maintenance and operation of said library.

Sec. 5. It shall also be the duty of the judges of all inferior courts, including all Justices of the Peace of Pasquotank County, to collect from the defendants in each and every criminal case finally disposed of in their respective courts, in which the defendant is required to pay the costs, the sum of one dollar ($1.00), which amount shall be paid monthly to the Clerk of Superior Court of Pasquotank County to supplement the aforesaid library fund, and which shall be expended in the manner provided in this Act.

Sec. 6. From the funds collected from time to time, as provided in Sections 4 and 5 of this Act, it shall be the duty of the Clerk of Superior Court of Pasquotank County to purchase and pay for such volumes and sets of books and equipment as shall be recommended and agreed upon by a committee to be appointed annually by the Pasquotank County Bar Association. All checks on said account shall be drawn and signed by the

Clerk of Superior Court of Pasquotank County and it shall be the duty of said clerk to keep a correct account of all receipts and disbursements in connection with said library fund.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 1129 CHAPTER 877

AN ACT TO AMEND G. S. 131-126.31 RELATING TO PETITIONS FOR FORMATION OF HOSPITAL DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 131-126.31, as the same appears in the 1958 Replacement Volume 3B, is amended by adding at the end thereof the following:

"A hospital district may be established under this Article in those territories which have less than eleven hundred (1100) qualified voters resident therein upon petition of two hundred fifty (250) qualified voters of such territory requesting that such territory be created into a hospital district."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 1254 CHAPTER 878

AN ACT TO AMEND CHAPTER 1054 OF THE SESSION LAWS OF 1955 RELATING TO THE ENFORCEMENT OF OBSERVANCE OF MIGRATORY WATERFOWL SHOOTING HOURS IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1054 of the Session Laws of 1955 is hereby amended by inserting a new Section immediately following Section 1, to be designated as Section 1-½, and to read as follows:

"Sec. 1-½. North Carolina Wildlife Protectors shall have authority to make arrests for the violation of Section 1 of this Act and shall have the responsibility, along with all other law enforcing officers, of enforcing the provisions of this Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

S. B. 102 **CHAPTER 879**

AN ACT TO REWRITE THE INTESTATE SUCCESSION LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-149, which Section is entitled, "Order of Distribution", and Chapter 29 of the General Statutes, which chapter is entitled, "Descents", are hereby repealed, and Chapter 29 of the General Statutes is rewritten to read as follows:

"Chapter 29.

"Intestate Succession.

"Article 1. General Provisions.

"§ 29-1. Short Title. This chapter shall be known and may be cited as the Intestate Succession Act.

"§ 29.2. Definitions. As used in this chapter, unless the context otherwise requires, the term:

(1) 'Advancement' means an irrevocable inter vivos gift of property, made by an intestate donor to any person who would be his heir or one of his heirs upon his death, and intended by the intestate donor to enable the donee to anticipate his inheritance to the extent of the gift; except that no gift to a spouse shall be considered an advancement unless designated in writing as an advancement.

(2) 'Estate' means all the property of a decedent, including but not limited to:

a. An estate for the life of another; and

b. All future interests in property not terminable by the death of the owner thereof, including all reversions, remainders, executory interests, rights of entry and possibilities of reverter, subject, however, to all limitations and conditions imposed upon such future interests.

(3) 'Net estate' means the estate of a decedent, exclusive of family allowances, costs of administration, and all lawful claims against the estate.

(4) 'Heir' means any person entitled to take real or personal property upon intestacy under the provisions of this chapter.

(5) 'Lineal descendants' of a person means all children of such person and successive generations of children of such children.

(6) 'Share', when used to describe the share of a net estate or property which any person is entitled to take, includes both the fractional share of the personal property and the undivided fractional interest in the real property, which the person is entitled to take.

"§ 29-3. Certain Distinctions as to Intestate Succession Abolished. In the determination of those persons who take upon intestate succession there is no distinction:

(1) Between real and personal property, or

(2) Between ancestral and non-ancestral property, or

(3) Between relations of the whole blood and those of the half blood.

"§ 29-4. Curtesy and Dower Abolished. The estates of curtesy and dower are hereby abolished.

"§ 29-5. Computation of Next of Kin. Degrees of kinship shall be computed as provided in G. S. 104A-1.

"§29-6. Lineal Succession Unlimited. There shall be no limitation on the right of succession by lineal descendants of an intestate.

"§ 29-7. Collateral Succession Limited. There shall be no right of succession by collateral kin who are more than five degrees of kinship removed from an intestate; provided that if there is no collateral relative within the five degrees of kinship referred to herein, then collateral succession shall be unlimited to prevent any property from escheating.

"§ 29-8. Partial Intestacy. If part but not all of the estate of a decedent is validly disposed of by his will, the part not disposed of by such will shall descend and be distributed as intestate property.

"§ 29-9. Inheritance by Unborn Infant. Lineal descendants and other relatives of an intestate born within ten lunar months after the death of the intestate, shall inherit as if they had been born in the lifetime of the intestate and had survived him.

"§ 29-10. Renunciation. (a) An heir may by a signed and acknowledged writing delivered to the Clerk of Superior Court of the county in which the administrator or collector qualifies, renounce, in whole or in part, the succession to any property of an intestate, and such renunciation shall be retroactive to the date of the death of the intestate.

"(b) Such renunciation must occur within one year after the date of the death of the intestate, and if it affects the title to real estate, shall after probate be recorded in the office of the register of deeds of each county in which any part of the land affected by the renunciation lies.

"(c) In case of such renunciation the property shall pass in accordance with the applicable provisions of this chapter, as though the person renouncing had died immediately prior to the intestate.

"§ 29-11. Aliens. Unless otherwise provided by law, it shall be no bar to intestate succession by any person, that he, or any person through whom he traces his inheritance, is or has been an alien.

"§ 29-12. Escheats. If there is no person entitled to take under G. S. 29-14 or G. S. 29-15, or if in case of an illegitimate intestate, there is no one entitled to take under G. S. 29-20 or G. S. 29-21, the net estate shall escheat as provided in G. S. 116-21.

"Article 2. Shares of Persons Who Take Upon Intestacy.

"§ 29-13. Descent and Distribution Upon Intestacy. All the estate of a person dying intestate shall descend and be distributed, subject to the payment of costs of administration and other lawful claims against the estate, and subject to the payment by the recipient of State inheritance taxes, as provided in this chapter.

"§ 29-14. Share of Surviving Spouse. The share of the surviving spouse shall be as follows:

(1) If the intestate is survived by only one child or by any lineal descendant of only one deceased child, one-half of the net estate, including one-half of the personal property and a one-half undivided interest in the real property; or

(2) If the intestate is survived by two or more children, or by one child and any lineal descendant of one or more deceased children or by lineal descendants of two or more deceased children, one-third of the net estate, including one-third of the personal property and a one-third undivided interest in the real property; or

(3) If the intestate is not survived by a child, children or any lineal descendant of a deceased child or children but is survived by one or more parents, a one-half undivided interest in the real property and the first ten thousand dollars ($10,000.00) in value plus one-half of the remainder of the personal property; or

(4) If the intestate is not survived by a child, children or any lineal descendant of a deceased child or children or by a parent, all the net estate.

"§ 29-15. Shares of Others than Surviving Spouse. Those persons surviving the intestate, other than the surviving spouse, shall take that share of the net estate not distributable to the surviving spouse, or the entire net estate if there is no surviving spouse, as follows:

(1) If the intestate is survived by only one child or by only one lineal descendant of only one deceased child, that person shall take the entire net estate or share, but if the intestate is survived by two or more lineal descendants of only one deceased child, they shall take as provided in G. S. 29-16; or

(2) If the intestate is survived by two or more children or by one child and any lineal descendant of one or more deceased children, or by lineal descendants of two or more deceased children, they shall take as provided in G. S. 29-16; or

(3) If the intestate is not survived by a child, children or any lineal descendant of a deceased child or children, but is survived by both parents, they shall take in equal shares, or if either parent is dead, the surviving parent shall take the entire share; or

(4) If the intestate is not survived by such children or lineal descendants or by a parent, the brothers and sisters of the intestate, and the lineal descendants of any deceased brothers or sisters, shall take as provided in G. S. 29-16; or

(5) If there is no one entitled to take under the preceding subdivisions of this Section or under G. S. 29-14;

a. The paternal grandparents shall take one-half of the net estate in equal shares, or, if either is dead, the survivor shall take the entire one-half of the net estate, and if neither paternal grandparent survives, then the paternal uncles and aunts of the intestate and the lineal descendants of deceased paternal uncles and aunts shall take said one-half as provided in G. S. 29-16; and

b. The maternal grandparents shall take the other one-half in equal shares, or if either is dead, the survivor shall take the entire one-half of the net estate, and if neither maternal grandparent survives, then the maternal uncles and aunts of the intestate and the lineal descendants of deceased maternal uncles and aunts shall take one-half as provided in G. S. 29-16; but

c. If there is no grandparent and no uncle or aunt, or lineal descendant of a deceased uncle or aunt, on the paternal side, then those of the maternal side who otherwise would be entitled to take one-half as hereinbefore provided in this subdivision shall take the whole; or

d. If there is no grandparent and no uncle or aunt, or lineal descendant of a deceased uncle or aunt, on the maternal side, then those on the paternal side who otherwise would be entitled to take one-half as hereinbefore provided in this subdivision shall take the whole.

"Article 3. Distribution Among Classes.

"§ 29-16. Distribution Among Classes. (a) Children and Their Lineal Descendants. If the intestate is survived by lineal descendants, their respective shares in the property which they are entitled to take under G. S. 29-15 of this chapter shall be determined in the following manner:

(1) Children. To determine the share of each surviving child, divide the property by the number of surviving children plus the number of deceased children who have left lineal descendants surviving the intestate.

(2) Grandchildren. To determine the share of each surviving grandchild by a deceased child of the intestate in the property not taken under the preceding subdivision of this subsection, divide that property by the number of such surviving grandchildren plus the number of deceased grandchildren who have left lineal descendants surviving the intestate.

(3) Great-Grandchildren. To determine the share of each surviving great-grandchild by a deceased grandchild of the intestate in the property not taken under the preceding subdivisions of this subsection, divide that property by the number of such surviving great-grandchildren plus the number of deceased great-grandchildren who have left lineal descendants surviving the intestate.

(4) Great-Great-Grandchildren. To determine the share of each surviving great-great-grandchild by a deceased great-grandchild of the intestate in the property not taken under the preceding subdivisions of this subsection, divide that property by the number of such surviving great-great-grandchildren plus the number of deceased great-great-grandchildren who have left lineal descendants surviving the intestate.

(5) Other Lineal Descendants of Children. Divide, according to the formula established in the preceding subdivisions of this subsection, any property not taken under such preceding subdivisions, among the lineal descendants of the children of the intestate not already participating.

"(b) Brothers and Sisters and Their Lineal Descendants. If the intestate is survived by brothers and sisters or the lineal descendants of deceased brothers and sisters, their respective shares in the property which they are entitled to take under G. S. 29-15 of this chapter shall be determined in the following manner:

(1) Brothers and Sisters. To determine the share of each surviving brother and sister, divide the property by the number of surviving brothers and sisters plus the number of deceased brothers and sisters who have left lineal descendants surviving the intestate within the fifth degree of kinship to the intestate.

(2) Nephews and Nieces. To determine the share of each surviving nephew or niece by a deceased brother or sister of the intestate in the property not taken under the preceding subdivision of this subsection, divide that property by the number of such surviving nephews or nieces plus the number of deceased nephews and nieces who have left lineal descendants surviving the intestate within the fifth degree of kinship to the intestate.

(3) Grandnephews and Grandnieces. To determine the share of each surviving grandnephew or grandniece by a deceased nephew or niece of the intestate in the property not taken under the preceding subdivisions of this subsection, divide that property by the number of such surviving grandnephews and grandnieces plus the number of deceased grandnephews and grandnieces who have left children surviving the intestate.

(4) Great-Grandnephews and Great-Grandnieces. Divide equally among the great-grandnephews and great-grandnieces of the intestate any property not taken under the preceding subdivisions of this subsection.

(5) Grandparents and Others. If there is no one within the fifth degree of kinship to the intestate entitled to take the property under the preceding subdivisions of this subsection, then the intestate's property shall go to those entitled to take under G. S. 29-15(5).

"(c) Uncles and Aunts and Their Lineal Descendants. If the intestate is survived by uncles and aunts or the lineal descendants of deceased uncles and aunts, their respective shares in the property which they are entitled to take under G. S. 29-15 shall be determined in the following manner:

(1) Uncles and Aunts. To determine the share of each surviving uncle and aunt, divide the property by the number of surviving uncles and aunts plus the number of deceased uncles and aunts who have left children or grandchildren surviving the intestate.

(2) Children of Uncles and Aunts. To determine the share of each surviving child of a deceased uncle or aunt of the intestate in the property not taken under the preceding subdivision of this subsection, divide that property by the number of surviving children of deceased uncles and aunts plus the number of deceased children of deceased uncles and aunts who have left children surviving the intestate.

(3) Grandchildren of Uncles and Aunts. Divide equally among the grandchildren of uncles and aunts of the intestate any property not taken under the preceding subdivisions of this subsection.

"Article 4. Adopted Children.

"§ 29-17. Succession By, Through, and From Adopted Children. (a) A child, adopted in accordance with Chapter 48 of the General Statutes or in accordance with the applicable law of any other jurisdiction, and the heirs of such child, are entitled by succession to any property by, through and from his adoptive parents and their heirs the same as if he were the natural legitimate child of the adoptive parents.

"(b) An adopted child is not entitled by succession to any property, by, through, or from his natural parents or their heirs, except as provided in subsection (e) of this Section.

"(c) The adoptive parents and the heirs of the adoptive parents are entitled by succession to any property, by, through and from an adopted child the same as if the adopted child were the natural legitimate child of the adoptive parents.

"(d) The natural parents and the heirs of the natural parents are not entitled by succession to any property, by, through or from an adopted child, except as provided in subsection (e) of this Section.

"(e) If a natural parent has previously married, is married to, or shall marry an adoptive parent, the adopted child is considered the child of such natural parent for all purposes of intestate succession.

"Article 5. Legitimated Children.

"§ 29-18. Succession By, Through and From Legitimated Children. A child born an illegitimate who shall have been legitimated in accordance with G. S. 49-10 or G. S. 49-12 or in accordance with the applicable law of any other jurisdiction, and the heirs of such child, are entitled by succession to property by, through and from his father and mother and their heirs the same as if born in lawful wedlock; and if he dies intestate, his property shall descend and be distributed as if he had been born in lawful wedlock.

"Article 6. Illegitimate Children.

"§ 29-19. Succession By Illegitimate Children. For purposes of intestate succession, an illegitimate child shall be treated as if he were the legitimate child of his mother, so that he and his lineal descendants are entitled to take by, through and from his mother and his other maternal kindred, both descendants and collaterals, and they are entitled to take from him.

"§ 29-20. Descent and Distribution Upon Intestacy of Illegitimate Children. All the estate of a person dying illegitimate and intestate shall descend and be distributed, subject to the payment of costs of administration and other lawful claims against the estate, and subject to the payment by the recipient of State inheritance taxes, as provided in this Article.

"§ 29-21. Share of Surviving Spouse. The share of the surviving spouse of an illegitimate intestate shall be the same as provided in G. S. 29-14 for the surviving spouse of a legitimate person except:

(1) If the intestate is not survived by a child, children or any lineal descendant of a deceased child or children, but is survived by his or her mother, a one-half undivided interest in the real property and the first ten thousand dollars ($10,000.00) in value plus one-half of the remainer of the personal property; or

(2) If the intestate is not survived by a child, children or any lineal descendant of a deceased child or children, or his mother, the surviving spouse shall take all of the net estate.

"§ 29-22. Shares of Others Than the Surviving Spouse. Those persons surviving the illegitimate intestate, other than the surviving spouse, shall take that share of the net estate not distributable to the surviving spouse, or the entire net estate if there is no surviving spouse, as follows:

(1) If the intestate is survived by only one child or by only one lineal descendant of only one deceased child, that person shall take the entire net estate or share, but if the intestate is survived by two or more lineal descendants of only one deceased child, they shall take as provided in G. S. 29-16; or

(2) If the intestate is survived by two or more children or by one child and any lineal descendant of one or more deceased children, or by lineal descendants of two or more deceased children, they shall take as provided in G. S. 29-16; or

(3) If the intestate is not survived by a child, children or any lineal descendant of a deceased child or children, but is survived by his mother, she shall take the entire net estate or share; or

(4) If the intestate is not survived by such children or lineal descendants or by a surviving mother, the other children of the mother of the intestate, whether legitimate or illegitimate, and the lineal descendants of any such children who are deceased, shall take as provided in G. S. 29-16; or

(5) If there is no one entitled to take under the preceding subdivisions of this Section or under G. S. 29-21, the maternal grandparents shall divide the entire net estate or if either is dead the survivor shall take the entire net estate, and if neither maternal grandparent survives, then the maternal uncles and aunts of the intestate and the lineal descendants of deceased maternal uncles and aunts shall take as provided in G. S. 29-16.

"Article 7. Advancements.

"§ 29-23. In General. If a person dies intestate as to all his estate, property which he gave in his lifetime as an advancement shall be counted toward the advancee's intestate share, and to the extent that it does not exceed such intestate share, shall be taken into account in computing the estate to be distributed.

"§ 29-24. Presumption of Gift. A gratuitous inter vivos transfer is presumed to be an absolute gift and not an advancement unless shown to be an advancement.

"§ 29-25. Effect of Advancement. If the amount of the advancement equals or exceeds the intestate share of the advancee, he shall be excluded from any further portion in the distribution of the estate, but he shall not be required to refund any part of such advancement; and if the amount of the advancement is less than his share, he shall be entitled to such additional amount as will give him his full share of the intestate donor's estate.

"§ 29-26. Valuation. The value of the property given as an advancement shall be determined as of the time when the advancee came into possession or enjoyment, or at the time of the death of the intestate, whichever first occurs. However, if the value of the property, so advanced, is stated by the intestate donor in a writing signed by him and designating the gift as an advancement, such value shall be deemed the value of the advancement.

"§ 29-27. Death of Advancee Before Intestate Donor. If the advancee dies before the intestate donor, leaving an heir who takes by intestate

succession from the intestate donor, the advancement shall be taken into account in the same manner as if it had been made directly to such heir, but the value shall be determined as of the time the original advancee came into possession or enjoyment, or when the heir came into possession or enjoyment, or at the time of the death of the intestate donor, whichever first occurs. If such heir is entitled by inheritance to a lesser share in the estate than the advancee would have been entitled to had he survived the intestate donor, then the heir shall only be charged with the advancement in the proportion his share in the estate bears to the share which the advancee would have taken.

"§ 29-28. Inventory. If any person who has, in the lifetime of an intestate donor, received a part of the donor's property, refuses, upon order of the Clerk of Superior Court of the county in which the administrator or collector qualifies, to give an inventory on oath, setting forth therein to the best of his knowledge and belief the particulars of the transfer of such property, he shall be considered to have received his full share of the donor's estate, and shall not be entitled to receive any further part or share.

"§ 29-29. Release by Advancee. If the advancee acknowledges to the intestate donor by a signed writing that he has been advanced his full share of the intestate donor's estate, both he and those claiming through him shall be excluded from any further participation in the intestate donor's estate.

"Article 8.

"Election to Take Life Interest in Lieu of Intestate Share.

"§ 29-30. Election of Surviving Spouse to Take Life Interest in Lieu of Intestate Share Provided. (a) In lieu of the share provided in G. S. 29-14 or G. S. 29-21, the surviving spouse of an intestate or the surviving spouse who dissents from the will of a testator shall be entitled to take as his or her intestate share a life estate in one-third in value of all the real estate of which the deceased spouse was seized and possessed of an estate of inheritance at any time during coverture, except that real estate in which the surviving spouse has waived his or her rights by joining with the other spouse in a conveyance thereof.

"(b) Regardless of the value thereof and despite the fact that a life estate therein might exceed the fractional limitation provided for in subsection (a), the life estate provided for in subsection (a) shall include a life estate in the usual dwelling house occupied by the surviving spouse at the time of the death of the deceased spouse if such dwelling house were owned by the deceased spouse at the time of his or her death, together with the outbuildings, improvements and easements thereunto belonging or appertaining, and lands upon which situated and reasonably necessary to the use and enjoyment thereof, as well as a fee simple ownership in the household furnishings therein.

"(c) The election provided for in subsection (a) may be made at any time within six months after the death of the deceased spouse by the filing of a notice thereof, in the nature of a petition, with the Clerk of

Superior Court of the county in which the administration of the estate is pending or should be commenced. The notice of election shall:

(1) Be directed to the clerk with whom filed;

(2) State that the surviving spouse making the same elects to take under this Section rather than under the provisions of G. S. 29-14 or G. S. 29-21, as applicable;

(3) Set forth the names of all heirs, devisees, legatees, personal representatives and all other persons in possession of or claiming an estate or an interest in the property described in subsection (a); and

(4) Request the allotment of the life estate provided for in subsection (a).

The notice of election may be in person, or by attorney authorized in a writing executed and duly acknowledged by the surviving spouse and attested by at least one witness. If the surviving spouse is a minor or an incompetent, the notice of election may be executed and filed by a general guardian or by the guardian of the person or estate of the minor or incompetent spouse. If the minor or incompetent spouse has no guardian, the notice of election may be executed and filed by a next friend appointed by the clerk. The notice of election, whether in person or by attorney, shall be filed as a record of the court, and a summons together with a copy of the notice shall be served upon each of the interested persons named in the notice of election.

"(d) In case of election to take a life estate in lieu of an intestate share, as provided in subsection (a), the Clerk of Superior Court, with whom the notice of election has been filed, shall summon and appoint a jury of three disinterested persons who being first duly sworn shall promptly allot and set apart to the surviving spouse the life estate provided for in subsection (a) and make a final report of such action to the clerk.

"(e) The final report shall be filed by the jury not more than sixty days after the summoning and appointment thereof, shall be signed by all jurors, and shall describe by metes and bounds the real estate in which the surviving spouse shall have been allotted and set aside a life estate. It shall be filed as a record of court and a certified copy thereof shall be filed and recorded in the office of the register of deeds of each county in which any part of the real property of the deceased spouse, affected by the allotment, is located.

"(f) In the election and procedure to have the life estate allotted and set apart provided for in this Section, the rules of procedure relating to partition proceedings shall apply except insofar as the same would be inconsistent with the provisions of this Section.

"(g) Life estates taken by election under this Section shall not be subject to the payment of debts due from the estate of the deceased spouse, except those debts secured by a purchase money mortgage or purchase money deed of trust.

"(h) If no election is made in the manner provided for in subsection (c) within six months after the death of the deceased spouse, the surviving spouse shall be conclusively deemed to have waived his or her right to

elect to take under the provisions of this Section, and any interest which the surviving spouse may have had in the real estate of the deceased spouse by virtue of this Section shall terminate."

Sec. 2. G. S. 1-47 is hereby amended by striking out subdivision (5) thereof relating to the allotment of dower.

Sec. 3. G. S. 8-47, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the word "dower" in line 87 thereof and substituting therefor the words "a life interest in lieu of an intestate share taken under the provisions of G. S. 29-30".

Sec. 4. G. S. 11-10 is hereby amended by striking out the words, "in laying off widows' dower," following the words, "real estate," in line 3 thereof and preceding the word, "in", in line 4 thereof.

Sec. 5. G. S. 11-11 is hereby amended by striking out the entire twenty-fourth paragraph thereof entitled, "Jury, Laying Off Dower".

Sec. 6. G. S. 28-2.1 is hereby amended by rewriting the fourth paragraph thereof to read as follows:

"The public laws relating to the administration of estates of decedents, and the Intestate Succession Act, shall apply to estates of such missing persons."

Sec. 7. G. S. 28-81 is hereby amended by striking out all of the Section following the first sentence thereof.

Sec. 8. G. S. 28-170, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the words, "on allotment of dower," following the word, "commissions", in line 23 and preceding the word, "on", in line 24 thereof.

Sec. 9. G. S. 28-173, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the words, "this chapter for the distribution of personal property in case of intestacy.", in lines 10 and 11 thereof, and substituting therefor the words, "the Intestate Succession Act."

Sec. 10. G. S. 49-11, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by rewriting the second sentence thereof to read as follows:

"In case of death and intestacy, the real and personal estate of such child shall descend and be distributed according to the Intestate Succession Act as if he had been born in lawful wedlock."

Sec. 11. G. S. 49-12, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by rewriting the second sentence thereof to read as follows:

"In case of death and intestacy, the real and personal estate of such child shall descend and be distributed according to the Intestate Succession Act as if he had been born in lawful wedlock."

Sec. 12. G. S. 52-13 is hereby amended by striking out the words, "dower, tenancy by the courtesy, and all other", following the words, "quitclaim", in line 3 and preceding the word, "rights", in line 4 thereof, and substituting therefor the word, "such".

Sec. 13. Article 5 of Chapter 45 of the General Statutes, entitled "Real Estate Mortgage Loans", is hereby amended by changing the title thereof to "Miscellaneous Provisions" and adding at the end thereof a new Section to be numbered G. S. 45-45 and to read as follows:

"§ 45-45. Spouse of Mortgagor Included Among Those Having Right to Redeem Real Property. Any married person has the right to redeem real property conveyed by his or her spouse's mortgages, deeds of trust and like security instruments and upon such redemption, to have an assignment of the security instrument and the uncancelled obligation secured thereby."

Sec. 14. G. S. 28-150 through G. S. 28-152 inclusive, G. S. 30-3 through G. S. 30-8 inclusive, G. S. 30-10 through G. S. 30-14 inclusive, G. S. 46-15, G. S. 52-16, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. This Act shall become effective July 1, 1960, and shall be applicable only to estates of persons dying on or after July 1, 1960.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

S. B. 104 CHAPTER 880

AN ACT TO REWRITE THE STATUTES ON DISSENT FROM WILLS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 30 of the General Statutes, entitled "Widows", is hereby redesignated "Surviving Spouses", and Article 1 thereof is hereby rewritten to read as follows:

"Article 1. Dissent from Will.

"§ 30-1. Right of Dissent. (a) Except as provided in subsection (b) of this Section, any surviving spouse may dissent from his or her deceased spouse's will.

"(b) A surviving spouse may not dissent from his or her deceased spouse's will if he or she receives one-half or more in value of all the property passing upon the death of the testator, including both that property passing under the will and that property passing in any manner outside the will as a result of the death of the testator. For the purpose of this subsection:

"(1) One-half of the value of any property passing by survivorship; and

"(2) The value of proceeds of insurance policies on the life of the decedent received by the spouse except the proceeds or proportionate part of the proceeds from those policies on which all or part of the premiums were paid by the surviving spouse or by someone other than the deceased spouse on behalf of the surviving spouse; shall be included in the computation of the value of the property passing as a result of the death of the testator.

"§ 30-2. Time and Manner of Dissent. (a) Any person, entitled under the provisions of G. S. 30-1 to dissent from the will of his or her deceased

spouse, may do so by filing such dissent with the Clerk of the Superior Court of the county in which the will is probated, at any time within six months after the probate thereof.

"(b) The dissent may be in person, or by attorney authorized in a writing executed by the surviving spouse, attested by at least one witness and duly acknowledged by the surviving spouse.

"(c) If the surviving spouse is a minor or has been adjudged insane, the dissent may be executed and filed by the general guardian, or by the guardian of the person or estate of the minor or insane spouse. If the minor or insane spouse has no guardian, the dissent may be executed and filed by a next friend appointed by the Clerk of the Superior Court of the county in which the will is probated.

"(d) The dissent, whether in person or by attorney, shall be filed as a record of the court.

"§ 30-3. Effect of Dissent. (a) Upon dissent as provided for in G. S. 30-2, the surviving spouse, except as provided in subsection (b) of this Section, shall take the same share of the deceased spouse's real and personal property as if the deceased had died intestate; provided, that if the deceased spouse is not survived by a child, children, or any lineal descendant of a deceased child or children, or by a parent, the surviving spouse shall receive only one-half of the deceased spouse's estate, which one-half shall be estimated and determined before any Federal estate tax is deducted or paid and shall be free and clear of such tax.

"(b) Whenever the surviving spouse is a second or successive spouse, he or she shall take only one-half of the amount provided by the intestate succession act for the surviving spouse if the testator has surviving him lineal descendants by a former marriage but there are no lineal descendants surviving him by the second or successive marriage.

"(c) If the surviving spouse dissents from his or her deceased spouse's will and takes an intestate share as provided herein, the residue of the testator's net estate, as defined in G. S. 29-2, shall be distributed to the other devisees and legatees as provided in the testator's last will, diminished pro rata unless the will otherwise provides."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on July 1, 1960, and shall be applicable only to estates of persons dying on or after July 1, 1960.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

S. B. 353 CHAPTER 881

AN ACT TO AMEND CHAPTER ONE THOUSAND ONE HUNDRED FIFTY-NINE OF THE NINETEEN HUNDRED AND FIFTY-ONE SESSION LAWS DEFINING AND ESTABLISHING THE CORPORATE LIMITS OF THE TOWN OF MARION.

The General Assembly of North Carolina do enact:

Section 1. By striking out lines 7 and 8 appearing in Section 1 on page 1201 of said Act, which reads as follows:

"Then N 36-00 W, 452.82' to a conc. mon. (N 23,001.97, E 21,556.65); then N 38-38 W, 330.00' to a conc. mon. (N 23,259.75, E 21,350.62)." and inserting in lieu thereof the following:

"Then North 36 degrees 00 minutes West 339.32 feet to a concrete monument (N 22,635.63, E 21,822.81). Then North 26 degrees 00 minutes East 363.00 feet to a concrete monument (N 22,910.15, E 21,623.36). Then North 50 degrees 00 minutes East 99.00 feet to a concrete monument (N 23, 300.05, E 21,858.33). Then North 25 degrees 00 minutes West 49.50 feet to a concrete monument (N 23,344.91, E 21,837.41). Then North 24 degrees 00 minutes West 247.50 feet to a concrete monument (N 23,571.01, E 21,736.74). Then South 53 degrees 00 minutes West 511.50 feet to a concrete monument (N 23,263.18, E 21,328.24). Then South 81 degrees 15 minutes East 22.64 feet to a concrete monument (N 23,259.75, E 21,350.62)."

Sec. 2. By striking out that portion of Section 1 appearing on page 1202 of said Act beginning on line 39 on said page, immediately after the words and figures: "3/00, 25' Rt." and reading as follows:

"S 73-44, E 577.60' to a conc. mon. (N 17,378.29, E 20,481.82). Offsets: Sta. 0/00, 25' Rt.; 0/50, 50' Rt.; 1/00, 60' Rt.; 1/50, 66' Rt.; 2/00, 57' Rt.; 2/50, 42' Rt.; 3/00, 22' Rt.; 3/50, 14' Rt.; 4/00, 18' Rt.; 4/50, 36' Rt.; 5/00, 42' Rt. N 84-21 E, 526.90' to the center of a sewer manhole" and inserting in lieu thereof, the following:

"South 73 degrees 44 minutes East 66.60 feet to a concrete monument (N 17,521.42, E 19,991.27). Then South 0 degrees 30 minutes East 167.00 feet to a concrete monument (N 17,354.43, E 19,992.72). Then South 60 degrees 30 minutes East 121.40 feet to a concrete monument (N 17,294.65, E 20,098.38). Then South 13 degrees 00 minutes West 58.20 feet to a concrete monument (N 17,237.94, E 20,085.29). Then South 64 degrees 00 minutes East 376.00 feet to a concrete monument (N 17,073.11, E 20,423.24). Then South 4 degrees 00 minutes West 154.17 feet to a concrete monument (N 16,919.32, E 20,412.49). Then North 63 degrees 30 minutes East 278.00 feet to a concrete monument (N 17,043.36, E 20,661.29). Then North 23 degrees 00 minutes East 400.10 feet to a concrete monument (N 17,411.65, E 20,817.62). Offsets: Sta. 0/00 35' Rt.; 0/50 38' Rt.; 1/00 40' Rt.; 1/50 50' Rt. Then North 84 degrees 21 minutes East 189.40 feet to the center of a sewer manhole".

Sec. 3. By striking out that portion of Section 1 appearing on page 1203 of said Act beginning on line 9 on said page 1203, immediately after the following words and phrases:

". . . a conc. mon. (N 17,055.81, E 23,329.63).", and including the remainder of said line (and all of lines 10, 11, 12, 13, 14 and 15), which reads as follows:

"Offsets: Sta. 0/00, 16' Lt.; 0/50, 40' Lt.; 1/00, 56' Lt.; 1/50, 60' Lt.; 3/00, 50' Lt.; 3/50, 23' Lt.; 4/00, 21' Lt.; 4/50, 26' Lt.; 5/50, 60' Lt.; 6/00, 81' Lt.; 6/50, 112' Lt.; 7/00, 113' Lt.; 7/50, 109' Lt.; 8/00, 85' Lt.; 8/65, center of creek; 9/00, 90' Rt.; 9/50, 84' Rt. S 52-15 E, 418.50' to a conc. mon. (N 16,799.60 E 23,660.53.). Offsets: Sta. 0/25, 10' Rt.; 0/50, 19' Rt.; 1/00, 39' Rt.; 1/50, 38' Rt.; 2/00, 56' Rt. 2/50, 64' Rt.; 3/00, 68' Rt.; 3/50, 68' Rt.; 4/00, 35' Rt.;" and inserting in lieu thereof the following:

"Offsets: Sta. 0/00 95 feet; 1/00 90 feet; 2/00 85 feet; 3/00 65 feet; then South 44 degrees 14 minutes East 412.49 feet to a concrete monument (N 16,760.27, E 23,616.97). Then South 1 degree 17 minutes West 257.45 feet to a concrete monument (N 16,502.88, E 23,611.20). Then South 68 degrees 28 minutes East 139.00 feet to a concrete monument (N 16,451.86, E 23,740.50). Then North 89 degrees 32 minutes East 125.00 feet to a concrete monument (N 16,452.88, E 23,865.50). Then South 75 degrees 43 minutes East 153.00 feet to a concrete monument (N 16,415.13, E 24,013.77). Then North 11 degrees 47 minutes East 203.00 feet to a concrete monument (N 16,613.85, E 24,055.22). Then North 72 degrees 43 minutes West 399.95 feet to a concrete monument (N 16,732.68, E 23,673.33). Then North 10 degrees 50 minutes West 68.13 feet to a concrete monument (N 16,799.60, E 23,660.53)."

Sec. 4. By striking out that portion of Section 1 of said Act beginning on line 36, page 1203, and including all of lines 36, 37, 38, 39 and 40, reading as follows:

"Then N 14-13 E, 2,731.45' to a conc. mon. at the site of the old Elhanan School (N 20,977.75, E 23,927.09). Then across State St. and E. Court St. N 8-54 E, 1,954.56' to a conc. mon. on the South side of what was once the Morganton Road (N 22,908.78, E 24,229.35)." and inserting in lieu thereof the following:

"Then North 14 degrees 13 minutes East 2,273.48 feet to a concrete monument (N 20,533.82, E 23,814.49). Then South 89 degrees 21 minutes East 262.49 feet to a concrete monument (N 20,530.85, E 24,076.96). Then South 87 degrees 40 minutes East 494.00 feet to a concrete monument (N 20,510.74, E 24,570.55). Then North 5 degrees 10 minutes West 264.87 feet to a concrete monument (N 20,774.53, E 24,546.70). Then South 87 degrees 43 minutes East 141.79 feet to a concrete monument (N 20,768.88, E 24,688.38). Then North 4 degrees 08 minutes West 403.70 feet to a concrete monument (N 21,171.53, E 24,659.28). Then North 3 degrees 33 minutes West 282.12 feet to a concrete monument (N 21,454.11, E 24,641.75). Then North 17 degrees 03 minutes West 457.10 feet to a concrete monument (N 21,891.12, E 24,507.72). Then South 50 degrees 36 minutes West 202.40 feet to a concrete monument (N 21,762.65, E 24,351.32). Then North 20 degrees 38 minutes West 125.35 feet to a concrete monument (N 21,879.96, E 24,307.15). Then South 52 degrees 21 minutes West 343.70 feet to a concrete monument (N 21,670.32, E 24,035.42) on the South side of what was once the Morganton Road. Then North 8 degrees 54 minutes East 1,253.48 feet to a concrete monument (N 22,908.71, E 24,229.35)."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

S. B. 426 **CHAPTER 882**

AN ACT TO PROVIDE FOR ELECTIONS IN THE TOWNS OF HAZELWOOD AND WAYNESVILLE ON THE QUESTION OF CONSOLIDATION OF SAID TOWNS AND SUBJECT TO SAID ELECTIONS TO PROVIDE A CHARTER FOR THE CONSOLIDATED TOWN.

The General Assembly of North Carolina do enact:

ARTICLE I. ELECTION ON CONSOLIDATION

Section 1. PETITION. After June 1, 1960, the qualified voters of the Towns of Hazelwood and Waynesville shall have the right to petition the mayor and board of aldermen of their respective towns for the call of an election on the question of consolidation of said towns. A petition in either town shall be signed by at least fifteen per cent (15%) of the qualified voters therein; shall be certified by the town clerk as to the sufficiency thereof; and shall be presented to the mayor and board of aldermen at their next regular meeting following the date of receipt of such petition or at a special meeting called for the purpose of acting upon such petition.

Sec. 2. ACTION UPON PETITION. Upon presentation of such a petition, duly certified by the town clerk, the mayor and board of aldermen so petitioned shall adopt a resolution directing the Board of Elections of Haywood County to call an election on the question of consolidation, and shall thereupon forward copies of such petition and resolution to said Board of Elections.

Sec. 3. COUNTY BOARD OF ELECTIONS: PROCEDURE. Upon receipt of such a resolution from one of said towns, the Board of Elections shall notify the mayor and board of aldermen of the other of said towns that such resolution has been filed. The mayor and board of aldermen of the other town shall within ten (10) days cause to be published in a newspaper having general circulation in said other town a notice stating that a request for an election on the question of consolidation of the two towns has been filed with the County Board of Elections by the petitioning town and that if a petition requesting an election on the question of consolidation signed by fifteen per cent (15%) of the qualified voters of said other town is presented within twenty (20) days from the date of publication of the notice, said mayor and board of aldermen will also adopt a resolution directing the Board of Elections to call such an election to be held at the same time as the election in the first petitioning town. Upon receipt of such resolution and petition from the mayor and board of aldermen of the second petitioning town, the Board of Elections shall call an election in each town on the same day which day shall be not later than sixty (60) days from the date of call. If no such petition and resolution is filed by said other town within twenty-five (25) days from the date of publication of notice in said other town, the Board of Elections shall proceed to call an election on the question of consolidation in the petitioning town.

All such elections called and held under this Section shall be held pursuant to the municipal election law, Article 3, Chapter 160, General

Statutes of North Carolina, as amended, insofar as applicable and otherwise under the rules and regulations of the County Board of Elections. There shall be printed on the ballots used in any such election the words "For Consolidation" and "Against Consolidation".

Sec. 4. RESULTS OF ELECTIONS. If an election on the question of consolidation is held in each of said towns, a majority vote against consolidation in either town shall defeat the proposition. If such an election is held in only one of said towns as hereinabove provided, and a majority of the votes cast are for consolidation, the proposition shall be carried. In any event, the Board of Elections shall certify the results of any such election to each of said towns and the mayor and board of aldermen of each town shall cause such certification to be recorded in the official minute book of the town.

Sec. 5. CONSOLIDATION. If the results of an election or elections are for consolidation, the two towns shall become consolidated under the charter set forth in Article II of this Act upon the taking of the oath of office of the mayor and board of aldermen elected pursuant to said charter at the regular municipal election next following the consolidation election held pursuant to arrangements made by the boards of aldermen of both towns acting jointly; provided, that at any time between an election for consolidation which has carried and the next following regular municipal election, the mayor and board of aldermen of the towns may consolidate said towns under the charter set forth in Article II of this Act to become effective at the beginning of the next succeeding fiscal year by joint resolution adopted by each and form one governing body as follows: the Mayor of Waynesville shall be mayor of the consolidated town; the Mayor of Hazelwood shall become the mayor pro tem; and all the aldermen of each of the towns shall become the board of aldermen to serve until the next regular municipal election. In such event, the salaries of the mayor and board of aldermen shall be the same as provided in Article II of this Act except that the mayor pro tem shall receive fifty dollars ($50.00) per month salary during such interim period.

Upon consolidation, the present fire department facilities and fire-fighting organization and office for collection of taxes and water bills located in the Town of Hazelwood shall continue to be maintained at their present locations for the convenience of the citizens.

Sec. 6. CONTINUING AUTHORITY. The voters of each of said towns shall continue to have the right to petition for an election on the question of consolidation in the event that no petitions are filed in 1960 or in the event that the question of consolidation is defeated at any election or elections held in 1960, and if defeated in any subsequent elections shall continue as a method by which the voters of said towns may petition for an election on the question of consolidation; provided, such right of petition may be exercised only in even-numbered years and at any time during said even-numbered years.

ARTICLE II. CHARTER

Sec. 7. This charter shall become effective only upon consolidation of the Towns of Hazelwood and Waynesville in the manner and at the time provided hereinabove.

Sec. 8. INCORPORATION AND CORPORATE POWERS. The inhabitants of the Towns of Waynesville and Hazelwood, North Carolina, within the boundaries as established in Section 10 hereof or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the Town of Waynesville, and shall under that name have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted in this charter, the Town of Waynesville as herein constituted shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Waynesville by this Section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, land, rights of way, privilege and easement necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) To organize and administer public libraries, and to make appropriations toward the maintenance of already existing public libraries.

(6) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of aldermen shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 9. ENUMERATED POWERS NOT EXCLUSIVE. The enumeration of particular powers by this charter shall not be held or deemed to

be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Waynesville shall have, and may exercise, all powers which, under the Constitution of North Carolina it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of aldermen.

Sec. 10. CORPORATE LIMITS. The corporate limits of the Town of Waynesville, as herein constituted, shall include all of the territory heretofore included within the corporate limits of the Town of Waynesville and the Town of Hazelwood respectively, and such other territory as may be added prior to the effective date of consolidation pursuant to this Act.

BOARD OF ALDERMEN

Sec. 11. CREATION, SALARY AND COMPOSITION OF MAYOR AND BOARD OF ALDERMEN. Except as otherwise provided in this charter all powers of the town shall be vested in a mayor and a board of aldermen of five members nominated and elected as hereinafter provided. Three members of the board of aldermen shall be elected from Ward No. 1, consisting of all that territory within the corporate limits of the present Town of Waynesville North and East of a line described as follows:

Beginning at that point on Plott Creek where the corporate line of the present Town of Waynesville strikes said creek as it runs in a southerly direction and running thence down Plott Creek to Richland Creek; thence down Richland Creek to the old Waynesville-Hazelwood corporate line; thence in an easterly direction with the old Waynesville-Hazelwood corporate line to a point in the East margin of U. S. Highway 19A-23; thence with the East margin of U. S. Highway 19A-23 in a southerly direction to the southwest corner of the J. W. Ray "Weil" property; thence with the southerly margin of the J. W. Ray "Weil" property to the line of J. W. Ray "McCracken" property; thence in a southerly direction with the line of J. W. Ray "McCracken" property to the line of the Belle Mead subdivision; thence in an easterly direction with the Belle Mead subdivision line to the present corporate line of the Town of Waynesville.

Two members of the board of aldermen shall be elected from Ward No. 2, consisting of all the territory South and West of the line described above, being all that territory within the corporate limits of the Town of Hazelwood and a part of the territory within the corporate limits of the Town of Waynesville.

The term of office of the mayor and the board of aldermen shall be for four years and until their successors are elected and qualified, and shall begin on the first Tuesday next following their election. If a vacancy occurs in the office of mayor or alderman, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of aldermen. Each member of the board of aldermen shall receive a salary of forty dollars ($40.00) per month; the mayor shall receive a salary of seventy-five dollars ($75.00) per month if the mayor does not

hold regular court, one hundred fifty dollars ($150.00) per month if the mayor does hold regular court; the city manager shall receive such salary as the board of aldermen may determine; members of the board of aldermen shall be qualified electors of the town. A member of the board of aldermen ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office, shall immediately forfeit his office.

Sec. 12. MEETING OF THE BOARD OF ALDERMEN. At 8:00 o'clock, P. M., on the first Tuesday following each regular municipal election, the board of aldermen shall meet at the Town Hall of Waynesville and the newly elected members shall assume the duties of office. Thereafter the board of aldermen shall meet at such times and places as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of aldermen. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the board of aldermen and of committees thereof shall be opened to the public, and the rules of the board of aldermen shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the board of aldermen or a committee thereof may by a three-fifths vote of all the members authorize an executive meeting.

Sec. 13. MAYOR AND MAYOR PRO TEM. The mayor shall preside at meetings of the board of aldermen and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, and by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability. The mayor pro tem shall be elected by the board of aldermen from their own number.

Sec. 14. BOARD OF ALDERMEN RULES. The board of aldermen shall be the judge of the election and qualifications of its members, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the board of aldermen in any such case shall be subject to review by the courts. The board of aldermen shall determine its own rules and order of business and keep a journal of its proceedings.

Sec. 15. QUORUM. A majority of the members elected to the board of aldermen shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of aldermen shall be necessary to adopt any ordinances, reso-

lutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Sec. 16. INTRODUCTION AND PASSAGE OF ORDINANCES AND RESOLUTIONS. Ordinances and resolutions shall be introduced in the board of aldermen only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of aldermen. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Waynesville."

Sec. 17. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT; EMERGENCY MEASURES. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the board of aldermen shall take effect at the time indicated therein, but not less than ten days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least three members of the board of aldermen shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the board of aldermen except as defined in this Section, and it is the intention of this charter that such definition shall be strictly construed by the courts.

Sec. 18. AUTHENTICATION AND PUBLICATION OF ORDINANCES AND RESOLUTIONS. Upon its final passage each ordinance or resolution shall be authenticated by the signatures of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage, a notice setting forth in brief the substance of each ordinance shall be published at least once in some newspaper having general circulation in said town.

NOMINATION AND ELECTIONS

Sec. 19. MUNICIPAL ELECTIONS. The regular election for members of the board of aldermen and a mayor shall be held on Tuesday following

the first Monday in May in every second odd-numbered year, and shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein. The board of aldermen may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 20. NOMINATIONS. Any qualified elector of the town may declare himself a nominee for membership on the board of aldermen from his respective ward, or as mayor by filing a statement with the town clerk not earlier than 90 days, nor later than 30 days before the election in the following form:

"I hereby declare myself a candidate for the office of alderman from Ward No. ..... (or mayor) to be voted on at an election to be held on the ..... day of ....., 19.....

.....
Candidate

.....
Address

Filed ..... day of ....., 19.....

.....
Town Clerk"

The town clerk shall take and preserve the name and address of each person declaring himself as a nominee for office. Any candidate may withdraw his nominations not later than the last day for filing nomination papers by filing a notice of withdrawal with the town clerk.

Sec. 21. BALLOTS. The full names of candidates nominated for board of aldermen or mayor in accordance with the provisions of this charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed a separate ballot for mayor, and as many sets of ballots as there are candidates for the office of aldermen. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Sec. 22. ELECTION OF MAYOR AND BOARD OF ALDERMEN. The mayor and members of the board of aldermen shall be elected by the qualified voters of the Town of Waynesville at large, but candidates for membership on the board of aldermen shall be nominated from their respective wards as hereinbefore designated. Every qualified voter shall be entitled to vote for a mayor and as many candidates as there are members to be elected to the board of aldermen. All candidates for aldermen up to the number to be elected, who receive the largest number of votes, shall be declared elected, and the candidate receiving the largest number of votes for the office of mayor shall be declared elected to that office.

Sec. 23. APPOINTMENTS OF OFFICERS AND EMPLOYEES. The board of aldermen shall appoint a city manager, who shall be the administrative head of the city government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the town when appointed. He shall hold office during the pleasure of the board of aldermen, and shall receive such compensation as it shall fix by ordinance.

Sec. 24. POWER AND DUTIES OF MANAGER. The city manager shall (1) be the administrative head of the town government; (2) see that within the town the laws of the State and the ordinances, resolutions and regulations of the board of aldermen are faithfully executed; (3) attend all meetings of the board of aldermen, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the board of aldermen from time to time upon the affairs of the town, keep the board of aldermen fully advised of the town's financial condition and its future financial needs; (5) appoint and remove all heads of departments, superintendents and other employees of the town.

Sec. 25. APPOINTMENT AND REMOVAL OF OFFICERS. Such town officers and employees as the board of aldermen shall determine are necessary for the proper administration of the town shall be appointed by the city manager, and any such officer or employee may be removed by him; but the city manager shall report every such appointment and removal to the board of aldermen at the next meeting thereof following any such appointment or removal.

Sec. 26. CONTROL OF OFFICERS AND EMPLOYEES. Officers and employees of the town shall perform such duties as may be required of them by the city manager under general regulations of the board of aldermen, including the right to combine the duties of two or more of said offices to be handled by one person.

Sec. 27. POLICE JURISDICTION. All law enforcement officers of the Town of Waynesville, in addition to the authority generally conferred by law, shall have the power of arrest and law enforcement, together with authority to serve all legal process, either criminal or civil, at any point within the watershed area from which the Town of Waynesville draws its water supply and within the municipal garbage disposal areas, and within two miles of the corporate limits.

Sec. 28. TOWN CLERK. The town clerk shall keep the records of the board of aldermen and perform such other duties as may be required by law or the board of aldermen.

Sec. 29. DUTIES OF TOWN ATTORNEY OR ATTORNEYS. The town attorney or attorneys shall be attorneys at law who shall have practiced in the State of North Carolina for at least three years. He or they shall be the chief legal advisor of and attorney for the town and all departments and officers thereof in matters relating to their official powers and duties. It shall be his or their duty, either personally or by such assistants as he or they may designate, to perform all services incident to the department of law; to attend all meetings of the board of alder-

men; to give advice in writing, when so requested, to the board of aldermen or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party; to prepare all contracts, bonds and other instruments in writing in which the town is concerned, and to endorse on each approval of the form and correctness thereof; and to perform such other duties of a legal nature as the board of aldermen may require. In addition to the duties imposed upon the town attorney or attorneys by this charter or required by ordinance or resolution of the board of aldermen he or they shall perform any duties imposed upon the chief legal officers of municipalities by law.

Sec. 30. DUTIES OF TOWN TAX COLLECTOR. The tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository or depositories all money belonging to the town. The board of aldermen may require the city manager to perform the duties of the tax collector.

Sec. 31. DUTIES OF TOWN TREASURER. The treasurer, if any, shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration, or exchange. The board of aldermen may require the town clerk to perform the duties of treasurer.

Sec. 32. CUSTODY OF TOWN MONEY. All moneys received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the town depository or depositories. Such institution or institutions shall be designated by the board of aldermen in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by the mayor and countersigned by the town clerk.

Sec. 33. ISSUANCE OF BONDS. The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Sec. 34. INDEPENDENT AUDIT. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of aldermen, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon completion.

MISCELLANEOUS PROVISIONS

Sec. 35. PUBLICITY OF RECORDS. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of aldermen, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Sec. 36. PERSONAL INTEREST. Neither the mayor nor any member of the board of aldermen nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly in the sale to the town of any land, materials, supplies or services, except on behalf of the town as an officer or employee. Any wilful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of aldermen.

Sec. 37. OATH OF OFFICE. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Waynesville and will faithfully discharge the duties of the office of ....."

Sec. 38. CONTINUANCE OF CONTRACTS. All contracts, debts or obligations entered into by the Town of Waynesville or the Town of Hazelwood, or for their benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Sec. 39. SAVING CLAUSE. If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supersede all laws and ordinances not consistent herewith, insofar as the Towns of Waynesville and Hazelwood are affected thereby.

Sec. 40. BONDS ASSUMED. All bonds heretofore issued and unpaid by either the Town of Waynesville or the Town of Hazelwood shall be assumed by the Town of Waynesville as herein constituted and taxes shall be levied for payment thereof as the same shall become due.

Sec. 41. REAL AND PERSONAL PROPERTY. The title to all property, both real and personal, and the ownership of all the rights of way and easements heretofore owned by the Town of Waynesville shall continue to be owned by the Town of Waynesville as herein constituted and the title to all real and personal property now owned by the Town of Hazelwood and the title to all rights of way and easements for streets,

water and sewer lines, and other purposes owned by the Town of Hazelwood is hereby transferred to the Town of Waynesville as herein constituted, to be used for such municipal purposes as the board of aldermen of the Town of Waynesville as herein constituted may hereafter authorize and direct.

Sec. 42. ORDINANCES: EFFECTIVE DURATION. That the ordinances and bylaws in force in the Town of Waynesville shall continue to be the ordinances and bylaws effective under the corporation hereby established until repealed or modified by the board of aldermen to be elected under the provisions of this Act.

Sec. 43. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 44. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 724 CHAPTER 883

AN ACT TO AMEND G. S. 163-115 OF THE ELECTION LAWS SO AS TO INCREASE THE AMOUNT RECEIVED BY REGISTRARS IN FURNISHING LISTS OF REGISTERED VOTERS TO APPLICANTS.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 163-115 of Article 18 by deleting from lines 9 and 10 the words "one cent" and by inserting in lieu thereof the words "two cents."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 777 CHAPTER 884

AN ACT TO FIX THE COMPENSATION OF CERTAIN ELECTIVE OFFICIALS IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of the quoted portion of Section 1 of Chapter 495 of the Session Laws of 1955, is amended by striking out, in lines 4 and 5, the words and figures "seven thousand dollars ($7,000.00)" and inserting in lieu thereof the words and figures "seven thousand seven hundred dollars ($7,700.00)".

Sec. 2. Section 3 of the quoted portion of Section 1 of Chapter 495, Session Laws of 1955, is amended by striking out, in line 4, the words and figures "fifty-four hundred dollars ($5400.00)" and inserting in lieu thereof the words and figures "six thousand dollars ($6,000.00)".

Sec. 3. Section 4 of the quoted portion of Section 1 of Chapter 495, Session Laws of 1955, is amended by striking out, in lines 3 and 4, the

words and figures "six thousand dollars ($6,000.00)" and inserting in lieu thereof the words and figures "six thousand six hundred dollars ($6,600.00)".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 792 CHAPTER 885

AN ACT RELATING TO THE COMPENSATION OF THE SHERIFF, REGISTER OF DEEDS, CLERK OF SUPERIOR COURT, BOARD OF COUNTY COMMISSIONERS, BOARD OF EDUCATION AND CERTAIN OTHER EMPLOYEES OF RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Randolph County is hereby authorized to raise the maximum salaries now provided for sheriff, register of deeds, Clerk of Superior Court, and all positions of employment in the offices of these elective officers by an amount not to exceed ten per cent (10%) of the maximum compensation authorized for such positions on November 15, 1958.

Sec. 2. The Board of Commissioners of Randolph County is hereby authorized to raise the maximum salaries now provided for all county employees paid entirely from county funds and responsible in their employment to the board of county commissioners by an amount not to exceed ten per cent (10%) of the maximum compensation authorized for such positions on November 15, 1958.

Sec. 3. The members of the Board of Commissioners of Randolph County and the Randolph County Board of Education shall receive as compensation a per diem allowance not exceeding twenty-five dollars ($25.00) for attendance at regular meetings and a per diem allowance not exceeding fifteen dollars ($15.00) for attendance at special meetings, fixed at its discretion by the board of county commissioners.

Sec. 4. The Board of Commissioners of Randolph County is hereby authorized to raise the salary now provided for the court crier to an amount not to exceed sixteen dollars ($16.00) per day.

Sec. 5. Chapter 558 of the Session Laws of 1955, Chapter 481 of the Session Laws of 1957 and Chapter 1403 of the Session Laws of 1957 and all other laws and clauses of laws are repealed to the extent only that they are in conflict with this Act.

Sec. 6. This Act shall apply only to Randolph County.

Sec. 7. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 874 **CHAPTER 886**

AN ACT AMENDING G. S. 160-45 SO AS TO MAKE THE QUALIFICATIONS FOR VOTING IN MUNICIPAL ELECTIONS CONFORM TO THE PROVISIONS OF ARTICLE 6, SECTION 2, OF THE STATE CONSTITUTION AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 160-45 be and the same is hereby amended by striking out the words "four months" appearing in line 2 of said Section and inserting in lieu thereof the words "thirty days".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 879 **CHAPTER 887**

AN ACT TO INCORPORATE THE TOWN OF OCEAN ISLE BEACH IN BRUNSWICK COUNTY, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The inhabitants of the Town of Ocean Isle Beach in Brunswich County, within the boundaries hereinafter established, are hereby incorporated under the name of the Town of Ocean Isle Beach, and same is hereby created a body politic and corporate and shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina and other general laws of the State relating to cities and towns and all such provisions that are not inconsistent with this Act are hereby made a part of the same.

Sec. 2. The boundaries and corporate limits of said Town of Ocean Isle Beach shall be as follows:

"BEGINNING at the West bank of Shallotte Inlet at a point where the same intersects the Atlantic Ocean, runs thence along the high-water mark of the Atlantic Ocean approximately 24,920 feet to Homer L. Johnston and wife, Eloise S. Johnston's southwest corner as the same appears in a deed from Odell Williamson et ux to Homer L. Johnston and wife, Eloise S. Johnston, dated November 10, 1956, and recorded in Book 128, Page 640, Office of the Register of Deeds of Brunswick County, North Carolina; runs thence North 20 degrees West and along Homer L. Johnston's western line and Homer L. Johnston's western line projected to the center line of the Intra-Coastal Waterway Canal; runs thence in an eastwardly direction and with the center line of said Intra-Coastal Waterway Canal to a point opposite Shallotte Inlet; runs thence South and with Shallotte Inlet to the place and point of BEGINNING, same being all of Sections A, B, and C of Ocean Island Beach as evidenced by maps of same recorded in Map Book 3, Pages 178, 178A, 179, and 179A, together with approximately 1,625 feet of frontage on Atlantic Ocean of Section D, said

corporate limits being bounded on the East by Shallotte Inlet; on the South by the Atlantic Ocean; on the West by Homer L. Johnston et ux's western line; and on the North by the center line of the Intra-Coastal Waterway Canal."

Sec. 3. The governing body of the Town of Ocean Isle Beach shall consist of a mayor and five (5) commissioners, who shall be initially appointed by the Governor of North Carolina and selected as follows:

A. Upon a petition signed by at least ten (10) qualified voters (as herein defined) of the Town of Ocean Isle Beach being presented to the Chairman of the Board of Elections of Brunswick County, he shall within ten (10) days after receipt of said petition appoint a town clerk to serve until the duly selected and appointed board of commissioners selects some person to act as town clerk. Said clerk so appointed by the Chairman of the Board of Elections of Brunswick County shall do all things necessary for holding an election for the selection of commissioners of said town. Said election to be held in the same manner as the regular election as hereinafter set forth with the following exceptions:

B. Said acting clerk shall within thirty (30) days next succeeding his appointment prepare a registration book of the freeholders within the herein defined corporate limits and at the same time leave said registration book open for the registration of residents as herein defined.

C. Any qualified voter desiring to become a candidate for the office of commissioner shall within said above-specified thirty (30) day period file with said clerk his petition for said office.

D. The clerk shall on or before the 45th day of his appointment forward a ballot with the names of all persons so filing for the office of commissioner to every freeholder at his or her last known address and to each registered legal resident of said town. Said ballot shall in every respect conform to the requirements herein set out for a regular election. Said qualified voters shall return their ballot to the Chairman of the Board of Elections of Brunswick County on or before six (6) p. m. on the 61st day of said clerk's appointment.

E. At 7:30 p.m. on the 61st day of said clerk's appointment, said ballots shall be opened and tabulated by the Chairman of the Board of Elections of Brunswick County as provided in cases of regular elections. Whereupon the Clerk of the Town of Ocean Isle Beach and the Chairman of the Board of Elections of Brunswick County shall immediately forward to the Governor of North Carolina, the result of said balloting, including the names of all candidates for office and the number of votes which each candidate received, and the Governor shall consider for appointment to fill said offices, the six (6) persons receiving the highest number of votes for a term of office of two (2) years or until the first day of June in the next succeeding odd-numbered year, whichever is the shorter time.

F. Said appointees shall within fifteen (15) days after notification by the Governor of North Carolina of their appointment be sworn in to the office of Commissioner of the Town of Ocean Isle Beach as herein provided and then and there organize and possess all of the powers of Chapter 160

of the General Statutes not inconsistent with this Act and shall from their number select a mayor of said town.

Sec. 4. In the last week of May of the next succeeding odd-numbered year after the initial selection and appointment as herein provided, the Governor of the State of North Carolina shall appoint six (6) commissioners for the Town of Ocean Isle Beach, who shall be sworn in as such commissioners as soon after such appointment as is possible, by any person authorized to administer oaths and shall take office on June 1st, the date upon which their respective terms begin; provided, the Governor shall appoint only those persons who shall be recommended to him and who shall be selected as follows:

A. On or before the first day of April of the next succeeding odd-numbered year and biennially thereafter, any qualified voter desiring to become a candidate for Commissioner of the Town of Ocean Isle Beach shall file with the clerk of said town his petition for said office.

B. On or before the 15th day of April of the next succeeding odd-numbered year and biennially thereafter, there shall be forwarded by the Clerk of the Town of Ocean Isle Beach, a ballot to every freeholder at his or her last known address and to each registered legal resident of said town, a ballot containing the names of the persons so filing for the above-stated offices. The ballots shall be properly marked as designated, and notarized by any person authorized to administer oaths and returned to the Chairman of the County Board of Elections of Brunswick County in a sealed envelope not later than 6:00 o'clock p.m., on the Tuesday following the first Monday in May of the next succeeding odd-numbered year, and biennially thereafter, said ballots to be then opened and tabulated at 7:30 o'clock p. m., on said Tuesday, in the Office of the Clerk of the Town of Ocean Isle Beach by the Chairman of the Brunswick County Board of Elections, said opening being public. The six (6) persons receiving the highest number of votes for the office of commissioner shall be recommended for said office and shall serve for a term of four (4) years or until their successors are duly appointed and qualified: Provided, however, that at the municipal election to be held in May of the next succeeding odd-numbered year after the election set out in Section 3 above, the three (3) commissioners appointed who receive the largest number of votes shall serve for a term of four (4) years each and the other three commissioners appointed shall each serve for a term of two (2) years. Thereafter, all commissioners duly appointed shall serve for a four-year term each or until their successors are duly appointed and qualified.

Said commissioners shall elect from their number one person to be mayor, who shall serve for a term of two (2) years, or until his successor is duly appointed and qualified: Provided, that upon the death or resignation of any member of the board of commissioners or mayor, the board of commissioners shall have the power to fill said vacancy until the next municipal election and subsequent appointment by the Governor of North Carolina.

When the ballots have been opened and tabulated as hereinabove provided, the Clerk of the Town of Ocean Isle Beach and the Chairman of

the Board of Elections of Brunswick County shall immediately forward to the Governor of the State of North Carolina the result of said balloting. The persons so appointed by the Governor shall constitute the governing body of said town and shall possess and be vested with all the powers and duties of governing bodies of cities and towns in this State.

For the purpose of holding office or casting ballots for town officers, a legal resident shall be considered to be a freeholder, or any person whose residence is in the Town of Ocean Isle Beach six (6) months or more out of the year, thirty (30) days of which immediately precedes the day fixed for election of town officers. After the first municipal election as provided in Section 3 of this Act, the Clerk of the Town of Ocean Isle Beach shall maintain a book for the registration of freeholders and legal residents of said town, which book shall be open for registration of freeholders or legal residents during the months of July and August of each year and during the month of March in years in which there is to be an election as provided herein. The registration book shall contain, as to each person registering, such person's name, address at his legal residence, and a description of any property owned by such person in the Town of Ocean Isle Beach. After the first election of municipal officers and the subsequent election held in the next succeeding odd-numbered year, no person shall be eligible to vote in said municipal election unless registered as herein provided.

Sec. 5. The Chairman of the Board of Elections of Brunswick County shall receive for his services, in addition to such other compensation as he may receive, the sum of fifteen dollars ($15.00) for supervising the opening and tabulating the ballots. Said amount shall be paid by the Town of Ocean Isle Beach and said town is hereby authorized, empowered, and directed to pay such other necessary expenses as may be incurred in carrying out the provisions of this Act.

Sec. 6. After the election and subsequent appointment of the first governing body of said town, said body shall be vested with the right of levying taxes as of the first of the next calendar year after their election and subsequent appointment and shall be subject to the general laws of the State relating to the taxing powers of incorporated cities and towns, but in no event shall the tax rate imposed be in excess of one dollar ($1.00) per one hundred dollars ($100.00) valuation of property.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 893 CHAPTER 888

AN ACT TO AMEND G. S. 163-175 RELATING TO SINGLE SHOT VOTING IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-175 is hereby amended by inserting following the word "Robeson" and preceding the word "Scotland" in line three of the

last paragraph thereof, as the same is found in the 1957 Cumulative Supplement to the General Statutes, the word "Sampson".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 946 CHAPTER 889

AN ACT TO FIX THE COMPENSATION OF THE MAYOR AND MEMBERS OF BOARD OF ALDERMEN OF THE TOWN OF STANLEY IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 32 of Chapter 233 of the Private Laws of 1911 is rewritten to read as follows:

"Sec. 32. That the mayor shall be paid for his services the sum of three hundred dollars ($300.00) per year, to be paid in twelve equal monthly installments. Every other member of the board of aldermen shall be paid for his or her services the sum of one hundred eighty dollars ($180.00) to be paid in twelve monthly installments."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after April 30, 1959.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 953 CHAPTER 890

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF HENDERSON COUNTY TO RAISE THE SALARIES OF CERTAIN COUNTY OFFICIALS AND EMPLOYEES AS MUCH AS FIFTEEN PER CENT FOR THE PERIOD BEGINNING JULY 1, 1959, AND ENDING JUNE 30, 1961.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Henderson County be and it is hereby authorized, in its discretion, to increase the salaries of the following named officials and employees of Henderson County by not more than fifteen per cent (15%) of their present salaries for the period beginning July 1, 1959 and ending June 30, 1961:

1. The Judge and Solicitor of the Henderson County Recorder's Court.
2. The county dog warden.
3. The county accountant and the employees in the county accountant's office.
4. The Clerk of the Superior Court, the Assistant Clerk of the Superior Court and the Deputy Clerk of the Superior Court.

5. The tax collector and the employees in the tax collector's office.

6. The tax supervisor and the employees in the tax supervisor's office.

7. The register of deeds and his deputy or assistant.

8. The county jailer, the sheriff and his salaried deputies, the janitor at the courthouse, the veterans service officer.

Sec. 2. That the Board of County Commissioners of Henderson County be and it is hereby authorized in its sound discretion to raise the salaries of each member of said board not more than fifty dollars ($50.00) per month for the period beginning July 1, 1959 and ending June 30, 1961.

Sec. 3. That Chapter 444, Session Laws of 1955 and all other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 955 CHAPTER 891

AN ACT TO FIX THE COMPENSATION OF THE MAYOR OF THE TOWN OF CANDOR IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective July 1, 1959, the Mayor of the Town of Candor shall receive as compensation for his services the sum of three hundred dollars ($300.00) per year, payable in equal monthly installments.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 987 CHAPTER 892

AN ACT FIXING THE COMPENSATION OF VARIOUS COUNTY OFFICERS OF DAVIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That effective as of the first day of February, 1959, the Sheriff of Davie County shall receive an annual salary of forty-five hundred dollars ($4500.00). In addition thereto said sheriff shall receive the sum of thirty-three dollars ($33.00) per month as reimbursement for the use of his automobile in the performance of his official duties.

That effective as of said date, the Deputy Sheriff of Davie County, acting as jailer, shall receive an annual salary of fifteen hundred dollars ($1500.00), in addition to all fees allowed by law.

That the Sheriff of Davie County is hereby authorized to appoint two salaried deputies. Effective as of said date, the chief deputy sheriff shall

receive an annual salary of three thousand dollars ($3,000.00) and shall receive fifty dollars ($50.00) per month for the use of his car while on duty. The second deputy sheriff shall receive an annual salary of three thousand dollars ($3,000.00) and shall receive thirty-five dollars ($35.00) per month for the use of his car while on public business.

All the foregoing salaries and travel allowances shall be payable in equal monthly installments from the general fund of the county.

Sec. 2. That effective as of the first day of February, 1959, the Clerk of the Superior Court of Davie County shall receive an annual salary of forty-three hundred twenty dollars ($4320.00). Said amount shall not include the compensation of said Clerk as judge of the juvenile court or as ex officio clerk of the county court.

That effective as of said date, the Deputy Clerk of the Superior Court of Davie County shall receive an annual salary of two thousand eight hundred eighty dollars ($2,880.00).

All the foregoing salaries and travel allowances shall be payable in equal monthly installments from the general fund of the county.

Sec. 3. That effective as of the first day of February, 1959, the Register of Deeds of Davie County shall receive an annual salary of thirty-nine hundred dollars ($3900.00). Said amount shall not include the compensation of the register of deeds as clerk to the board of county commissioners.

That effective as of said date, the deputy register of deeds shall receive an annual salary of two thousand eight hundred eighty dollars ($2,880.00).

All the foregoing salaries and travel allowances shall be payable in equal monthly installments from the general fund of the county.

Sec. 4. That effective as of the first day of February, 1959, the County Accountant of Davie County shall receive an annual salary of thirty-seven hundred eighty dollars ($3780.00).

That effective as of said date, the secretary to the County Accountant of Davie County shall receive an annual salary of twenty-eight hundred eighty dollars ($2880.00).

All the foregoing salaries and travel allowances shall be payable in equal monthly installments from the general fund of the county.

Sec. 5. That effective as of the first day of February, 1959, the Tax Collector of Davie County shall receive an annual salary of thirty-four hundred twenty dollars ($3420.00), payable in equal monthly installments from the general fund of the county.

Sec. 6. That effective as of the first day of February, 1959, the Chairman of the Board of County Commissioners of Davie County shall receive as compensation for his services an annual salary of seven hundred fifty dollars ($750.00). In addition thereto, said chairman shall receive ten dollars $10.00) for each day's attendance at any special meeting of the board of commissioners, including meetings with the board of equalization and review.

The other members of said board shall each receive an annual salary of seven hundred dollars ($700.00), said member shall receive ten dollars ($10.00) for each day's attendance at any special meeting of the board of

commissioners, including meetings with the board of equalization and review. In addition to the foregoing, the chairman and each member of said board shall receive a travel allowance of ten cents (10¢) per mile while traveling on official business.

All the foregoing salaries and travel allowances shall be payable in equal monthly installments from the general fund of the county.

Sec. 7. Chapter 329 of the 1957 Session Laws and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 991 CHAPTER 893

AN ACT TO FIX THE COMPENSATION OF CERTAIN OFFICIALS OF MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of Superior Court of McDowell County shall receive as compensation for his services an annual salary to be fixed by the Board of County Commissioners of said county in an amount of not less than four thousand six hundred dollars ($4,600.00) nor more than five thousand six hundred dollars ($5,600.00), payable monthly out of the general fund of said county.

Sec. 2. The Register of Deeds of McDowell County shall receive as compensation for his services an annual salary to be fixed by the Board of County Commissioners of said county in an amount of not less than three thousand four hundred dollars ($3,400.00) nor more than four thousand four hundred dollars ($4,400.00) payable monthly out of the general fund of said county.

Sec. 3. The Board of County Commissioners of McDowell County is authorized to fix and determine the number of deputies, clerks, and other assistants which may be employed or appointed by the office holder in the offices of the Clerk of Superior Court and Register of Deeds and to fix the compensation to be paid to each of said deputies, clerks and assistants. All salaries fixed by the board for such position shall be paid out of the general fund of said county.

Sec. 4. The Sheriff of McDowell County shall receive as compensation for his services an annual salary to be fixed by the Board of County Commissioners of said county in an amount of not less than five thousand dollars ($5,000.00) nor more than seven thousand five hundred dollars ($7,500.00), payable monthly out of the general fund of said county. The sheriff shall also be paid an expense allowance of one hundred dollars ($100.00) per month.

Sec. 5. The sheriff of said county is authorized to select and appoint a chief deputy and an assistant chief deputy. The sheriff is also authorized to appoint two additional deputy sheriffs, and with the approval of the Board of County Commissioners is authorized to appoint not to exceed four additional deputy sheriffs.

The sheriff is also authorized to appoint an office deputy or clerical assistant, who may also serve as jail matron.

The sheriff is authorized to appoint so many part-time special deputy sheriffs as he may deem necessary, whose compensation shall be fixed by the sheriff, and which shall be paid out of the general fund of the county, upon payrolls made out and presented to the Board of County Commissioners. The total amount to be expended for the payment of salaries of part-time special deputies appointed under authority of this paragraph shall in no event exceed the total amount of three thousand dollars ($3,000.00) in any one year, or two hundred fifty dollars ($250.00) in any one month.

The chief deputy shall receive a salary of not less than three thousand six hundred dollars ($3,600.00) nor more than four thousand two hundred dollars ($4,200.00). The assistant chief deputy shall receive a salary of not less than three thousand three hundred dollars ($3,300.00) nor more than three thousand nine hundred dollars ($3,900.00), and the regular deputies shall receive a salary of not less than three thousand dollars ($3,000.00) nor more than three thousand six hundred dollars ($3,600.00), all of which salaries are to be fixed by the Board of County Commissioners. The deputy serving as office deputy or clerical assistant or jail matron, shall receive a salary of one thousand two hundred dollars ($1,200.00), payable monthly.

The Board of County Commissioners of McDowell County shall provide and maintain in good repair not less than two nor more than four automobiles for the exclusive use of the sheriff and his deputies in the performance of their official duties, and the costs thereof, together with the salaries of the deputy sheriffs herein provided for, shall be paid monthly from the general fund of said county.

All fees for services rendered by the sheriff or any of his deputies for the service of summons or other process shall be faithfully accounted for to the Clerk of Superior Court of said county and paid monthly by him to the Board of County Commissioners for said county and shall be credited to the general fund of the county.

Sec. 6. The salary fixed for the Clerk of the Superior Court under authority of Section 1 of this Act shall be in full compensation for all services rendered by him as Juvenile Judge, Clerk of the County Criminal Court, and all other duties which are now or may hereafter be imposed on him by virtue of his office as Clerk of the Superior Court.

The salary fixed for the Register of Deeds under authority of Section 2 of this Act shall be in full compensation for all services rendered by him as ex officio county treasurer, clerk to the Board of County Commissioners, and all other duties which are now or may hereafter be imposed on him by virtue of his office as Register of Deeds.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 1009 CHAPTER 894

AN ACT FIXING THE COMPENSATION OF THE SHERIFF OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That from and after the effectual date of this Act the Sheriff of Harnett County shall receive as compensation for his services a salary of four hundred dollars ($400.00) per month to be paid from the general fund of the county. In addition thereto the sheriff shall receive the sum of one hundred dollars ($100.00) per month as reimbursement for the use of his automobile and one hundred and fifty dollars ($150.00) per month for operating expenses of his said automobile, a total of two hundred and fifty dollars ($250.00) per month for his automobile and the operation thereof, in the performance of his duties, said amount to be paid from the general fund of the county.

Sec. 2. That from and after the effectual date of this Act all fees and commissions of every kind collected by the Sheriff of Harnett County shall be paid into the general fund of the county.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after the first day of July, 1959.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 1031 CHAPTER 895

AN ACT RELATING TO THE COMPENSATION AND PAYMENT OF ACTUAL NECESSARY EXPENSES OF CERTAIN OFFICIALS IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 427 of the Public-Local Laws of 1927 as amended by Chapter 1186 of the Session Laws of 1953 and as further amended by Chapter 565 of the Session Laws of 1957 is hereby rewritten to read as follows:

"(a) Each of the members of the Board of County Commissioners of Guilford County shall receive a salary of one hundred fifty dollars ($150.00) per month, except the chairman of the board, who shall receive a salary of three hundred dollars ($300.00) per month; in addition thereto each of the members of the Board of County Commissioners of Guilford County, including the chairman, shall receive the sum of twenty dollars ($20.00) for attendance of any regular or special meeting of the board plus mileage of seven cents (7¢) per mile to and from such meeting.

"(b) In addition to the foregoing, Guilford County is authorized and empowered to pay the actual necessary expenses of members of the board of county commissioners together with mileage of seven cents (7¢) per mile, incurred by said members while engaged in performance of duties

on behalf of Guilford County, provided that the payment of such expenses and mileage shall first be approved by the board of county commissioners."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 1065 CHAPTER 896

AN ACT RELATING TO THE ELECTION AND TERM OF OFFICE OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS OF THE TOWN OF CHADBOURN IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the regular municipal election in the Town of Chadbourn in 1961, there shall be elected a mayor and five commissioners who shall constitute the governing board of the town. The two candidates for the board of commissioners who receive the largest number of votes in the 1961 municipal election shall serve for terms of four years each or until their successors are duly elected and qualified, and the three candidates for the said board of commissioners who receive the next highest number of votes shall serve for terms of two years each or until their successors are duly elected and qualified. Thereafter, all successors to the board of commissioners shall be elected at the regular biennial municipal election to serve for terms of four years each. The mayor shall continue to be elected at the regular biennial municipal election for a term of two years and shall have no right to vote except in case of a tie.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 1146 CHAPTER 897

AN ACT TO AMEND CHAPTER 548 OF THE SESSION LAWS OF 1947, RELATING TO THE SALARY OF OFFICIALS IN THE TOWN OF BROADWAY IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 548 of the Session Laws of 1947 is hereby amended by adding a new Section to be known as Section 3½ to read as follows:

"Sec. 3½. The Mayor of the Town of Broadway, in Lee County, shall receive as compensation for performing the duties of his office, the sum of ten dollars ($10.00) for all regular or special meetings of the governing board of the town. The members of the board of commissioners of the said

town shall receive as compensation for their services the sum of five dollars ($5.00) each for attending all regular and special meetings of said board."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 1242 CHAPTER 898

AN ACT TO AMEND G. S. 18-45 RELATING TO THE POWERS AND DUTIES OF THE CITY OF WINSTON-SALEM ALCOHOLIC BEVERAGE CONTROL BOARD.

The General Assembly of North Carolina do enact:

Section 1. Subsection (h) of G. S. 18-45 is hereby amended by adding at the end thereof the following:

"To sell and convey property when in the judgment of the board such property is no longer needed for the purposes of this subsection."

Sec. 2. This Act shall relate to the City of Winston-Salem Alcoholic Beverage Control Board only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

H. B. 1269 CHAPTER 899

AN ACT TO AUTHORIZE THE TOWN OF RED SPRINGS TO CONVEY CERTAIN LANDS AT PRIVATE SALE TO THE RED SPRINGS DEVELOPMENT CORPORATION.

The General Assembly of North Carolina do enact:

Section 1. The Town of Red Springs, North Carolina, in the discretion of its governing body, is hereby authorized and empowered to sell and convey to the Red Springs Development Corporation, at private sale, a certain tract or parcel of land or any part thereof upon such terms and conditions as the governing body of the Town of Red Springs may determine. Said tract or parcel of land being approximately 122 acres and known as the Red Springs Airport Property, more particularly described as follows:

"Beginning at an iron stake in the eastern right-of-way of the paved highway known as North Carolina Highway No. 211 leading from Red Springs to Raeford, said iron stake being located at a point where the A. T. McCallum Estate's southern line intersects said right-of-way and running thence as the A. T. McCallum Estate line North 74 degrees East

1765 feet to a stake; thence North 81 degrees 45 minutes East 647 feet to an iron stake, Hiram Grantham, Jr., corner; thence as his line South 5 degrees 15 minutes West 479.9 feet to an iron stake; thence as a small road South 85 degrees 53 minutes East 525 feet to an iron stake in said road; thence South 35 degrees 29 minutes West 1278.4 feet to an iron stake, Mrs. Annie J. Brooks corner; thence as her line South 10 degrees 37 minutes West 1887 feet to an iron stake in a pond; thence South 41 degrees 51 minutes West 244.7 feet to an iron stake in a small road; thence as the center of said road North 54 degrees .09 minutes West 922.8 feet to an iron stake in the eastern right-of-way of the above-mentioned paved highway leading from Red Springs to Raeford; thence as said right-of-way North 18 degrees 15 minutes West 2604.9 feet to the beginning, containing 122.14 acres more or less."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1959.

S. B. 316 CHAPTER 900

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CLEVELAND COUNTY TO APPROPRIATE NONTAX REVENUE FUNDS TO RESCUE TEAMS ORGANIZED UNDER THE CIVIL DEFENSE ACT.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Cleveland County is authorized, in its discretion, to appropriate nontax revenue funds, in such amounts as it may deem appropriate, to rescue teams organized in Cleveland County under authority of G. S. 166-8, 1957 Supplement to the General Statutes.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

S. B. 420 CHAPTER 901

AN ACT TO PROVIDE FOR THE ELECTION OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF LILLINGTON.

The General Assembly of North Carolina do enact:

Section 1. At the next regular municipal election conducted in the Town of Lillington, subsequent to the ratification of this Act, there shall be elected by the qualified voters of said town a mayor and five commis-

sioners. The two candidates for the office of commissioner receiving the highest number of votes in said election shall serve for a term of four years each and until their successors are elected and qualified. The three candidates for commissioner receiving the next highest number of votes shall serve for a term of two years and until their successors are elected and qualified. Thereafter all members of the Board of Commissioners of the Town of Lillington shall be elected for the terms of four years each.

Sec. 2. The candidate for the office of mayor receiving the highest number of votes shall be declared elected and shall serve for a term of four years and until his successor is elected and qualified. The mayor and the board of commissioners shall constitute the Governing Body of the Town of Lillington.

Sec. 3. All persons desiring to become a candidate for the office of mayor or commissioner shall give notice to the town clerk by filing with said clerk a notice of candidacy at least fifteen (15) days prior to said election and shall pay a filing fee in an amount to be determined by the board of commissioners but said fee shall in no instance exceed two dollars ($2.00). No person's name shall be placed upon the general election ballot unless he has complied with the conditions herein set out.

Sec. 4. Except as otherwise provided in the Charter of the Town of Lillington, all elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

S. B. 425

CHAPTER 902

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF NEW HANOVER COUNTY TO PROMULGATE RULES AND REGULATIONS GOVERNING THE USE OF FIREARMS AND EXPLOSIVES IN THICKLY POPULATED AREAS OUTSIDE THE CORPORATE LIMITS OF CITIES AND TOWNS IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of New Hanover County is hereby authorized and empowered, in its discretion, to issue, pass and promulgate ordinances, rules and regulations governing the firing of guns, rifles, pistols, or any kind of firearms in thickly populated areas outside the corporate limits of a city or town in the County of New Hanover. The Board of Commissioners of New Hanover County is also authorized and empowered to set up such rules and regulations as deemed necessary for the use and control of dynamite and other explosives in the said county. A violation of any of the ordinances, rules and regulations so issued, passed or promulgated under the authority of this Act shall be a misdemeanor, and upon a plea of nolo contendere, or a plea of guilty, or upon conviction, any offender shall be fined not exceeding fifty dollars ($50.00).

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

S. B. 427 CHAPTER 903

AN ACT TO AMEND CHAPTER 438 OF THE SESSION LAWS OF 1957 RELATING TO THE GOVERNING BODY OF THE TOWN OF LONG BEACH IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 438 of the Session Laws of 1957 is hereby rewritten to read as follows:

"The Clerk of the Town of Long Beach shall be custodian of and shall retain a book for the registration of freeholders and legal residents of the Town of Long Beach, which book shall remain open the year round for the registration of freeholders and legal residents of the said town. Registration may be in person or by mail upon a form to be furnished by the clerk upon request. Such form shall be in the format of an affidavit and shall recite the fact that the registrant is a resident of or a freeholder in the Town of Long Beach and if a freeholder, shall specify the location of the property by lot and block number, the name of the grantor and the name of the person or persons in whom title is vested; provided, no person shall be entitled to vote in a municipal election for the Town of Long Beach unless he or she be registered by the town clerk not later than April 1 of the said election year."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

S. B. 453 CHAPTER 904

AN ACT TO AMEND CHAPTER 731 OF THE SESSION LAWS OF NORTH CAROLINA OF 1953, BEING THE CHARTER OF THE CITY OF HENDERSON, AND PROVIDING FOR THE EXTENSION OF THE CORPORATE BOUNDARIES.

The General Assembly of North Carolina do enact:

Section 1. That the description of the corporate boundaries of the City of Henderson as it appears in Section 2 of Chapter 731 of the Session Laws of North Carolina of 1953 is hereby amended so as to add to said description and include within the corporate boundaries of the City of Henderson, effective upon the ratification of this Act, all of the territory described as follows:

BEGINNING at a point in the present city limits on the South side of Alexander Avenue 200 feet West of where the East line of the J. D. Mills property if extended would intersect said city limits and run parallel to the East line of the J. D. Mills property South 3 degrees 15 minutes West to the North line of the J. D. Mills property; thence along the North line of the J. D. Mills property about 200 feet to the northeast corner of the J. D. Mills property; thence along the East line of the J. D. Mills property and the said East line if extended to the South edge of Park Avenue; thence along the South edge of Park Avenue to the West edge of Rose Street; thence along the West edge of Rose Street in a northerly direction to the Harriett Cotton Mills property line; thence along said Harriett Cotton Mills property line to the property line of the Carolina Bagging Company or Textron, Inc.; thence along said line to the South edge of the Epsom Road; thence along the South edge of the Epsom Road to the West edge of Lehman Street; thence along the West edge of Lehman Street to the North edge of the railroad siding; thence along the North edge of the railroad siding to where it would intersect the present city limits if extended on the West side of Nicholas Street; thence along said extension of present city limits to the present city limits where the city limits intersect on the West side of Nicholas Street and the South side of Alexander Avenue if extended; thence along the present city limits on the South side of Alexander Avenue if extended and the South side of Alexander Avenue to the BEGINNING.

Sec. 2. That in addition to the extensions of the corporate boundaries of the City of Henderson as provided for in Section 1 of this Act, Section 2 of Chapter 731 of the Session Laws of North Carolina of 1953 is hereby further amended so as to add to said description and include within the corporate boundaries of the City of Henderson, effective on January 1, 1960, all of the territory described as follows:

BEGINNING at the point where the East line of the J. D. Mills property if extended would intersect the present city limits on the South side of Alexander Avenue and run along the present city limits in a westerly direction 200 feet; thence parallel to the East line of the J. D. Mills property and 200 feet from said line to the North line of the J. D. Mills property; thence along said North line about 200 feet to the northeast corner of the J. D. Mills property; thence along the East line of the J. D. Mills property if extended to the BEGINNING.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

S. B. 456 **CHAPTER 905**

AN ACT PROVIDING FOR A REFERENDUM ELECTION IN THE CITY OF KINGS MOUNTAIN UPON THE QUESTION OF ADOPTING A CITY MANAGER FORM OF GOVERNMENT, SAID ELECTION TO BE HELD AT THE DISCRETION OF THE MAYOR AND BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That at the discretion of the Mayor and the Board of Commissioners for the City of Kings Mountain and upon a resolution duly adopted by said board, an election shall be held in the City of Kings Mountain, Cleveland County, after the notice required by G. S. 160-298 has been given, and there shall be submitted for determination by the qualified voters of the City of Kings Mountain the question of the adoption (in lieu of the present form of government) of a form of government for the City of Kings Mountain defined as "Plan D", as provided by part four of Article 22 of Chapter 160 of the General Statutes of North Carolina, as modified by this Act, which plan provides for a mayor, a city council and a city manager.

The question shall appear on the ballot as follows:

..... For City Manager form of government under modified "Plan D"

..... Against City Manager form of government under modified "Plan D"

Sec. 2. That the said election shall be advertised and conducted and the results thereof determined and declared in all respects as provided in Chapter 160 of the General Statutes of North Carolina. If said plan shall be adopted by the voters, the same shall take effect upon the certification of the results of the election, and the adoption of said plan of government shall not affect the terms of office of the officials elected at the May 1959 municipal election and shall not have the effect of changing the date of future municipal elections in the City of Kings Mountain to conform with the provisions of G. S. 160-306.

Sec. 3. That in the event said "Plan D" form of government, as modified by this Act, shall be adopted at said election, all powers, duties, functions and authority, vested by statute in the Board of Commissioners of the City of Kings Mountain, howsoever designated, or in the several commissioners thereof, howsoever designated, shall upon the due certification of said election be vested in the governing body of the City of Kings Mountain as constituted by "Plan D", part four of Article 22 of Chapter 160 of the General Statutes of North Carolina, as modified by this Act, and shall be performed, exercised and administered by the city commissioners or the city manager in accordance with the terms and provisions of said "Plan D", part four of Article 22 of Chapter 160 of the General Statutes of North Carolina, as modified by this Act.

Sec. 4. That under said modified plan, the mayor shall have the right to act as mayor and also as city manager, provided he is employed by the

board of commissioners to act as such and in that event, exercise the same powers and duties as delegated to the city manager.

Sec. 5. That notwithstanding the provisions of Section 3 of this Act or the provisions of G. S. 160-341, G. S. 160-343 and G. S. 160-345, in the event said "Plan D" form of government as modified by this Act shall be adopted at said election, the Mayor and Commissioners of the City of Kings Mountain shall be elected and their terms of office shall be as set out in Chapter 684, Session Laws of 1947.

Sec. 6. That notwithstanding the provisions of Section 3 of this Act or the provisions of G. S. 160-350, in the event said "Plan D" form of government as modified by this Act shall be adopted at said election, the city commissioners shall appoint the city attorney, city clerk, city treasurer and city tax collector, recorder of municipal court, solicitor of municipal court, and the mayor shall have the right to vote on any question coming before the board of commissioners in case of a tie vote only, as provided in Section 2 of Chapter 684, Session Laws of 1947.

Sec. 7. That this Act shall apply only to the City of Kings Mountain in Cleveland County, and all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

S. B. 458 CHAPTER 906

AN ACT PROVIDING THE MANNER IN WHICH VOTES MAY BE CAST FOR GROUP CANDIDATES IN MUNICIPAL ELECTIONS HELD IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That where there are group candidates for the same office in any municipal election held in Halifax County, and the names of several candidates therefor appear on the ballot grouped under the name of the office for which they are all running, the elector shall cast his or her vote for as many candidates as there are offices to be filled, and where an elector votes for any number of such group candidates fewer than the number of offices to be filled, such ballots shall not be counted for any of the group candidates for said offices. There shall be printed under the title of the offices for group candidates the number of candidates to be voted for.

Sec. 2. This Act shall apply to Halifax County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

S. B. 459 **CHAPTER 907**

AN ACT TO AMEND G. S. 14-335 RELATING TO PUNISHMENT FOR PUBLIC DRUNKENNESS IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 11 of G. S. 14-335, as the same appears in the 1957 Supplement to the General Statutes, is amended by inserting between the word "Guilford" and the word "and", in line 1 of said subsection, the words ", New Hanover".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

S. B. 463 **CHAPTER 908**

AN ACT TO AUTHORIZE IREDELL COUNTY TO ZONE CERTAIN LANDS ADJACENT TO COWANS FORD LAKE.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of promoting health, safety, morals, or the general welfare, the board of county commissioners of a county is hereby empowered to regulate and restrict.

(a) the height, number of stories, and size of buildings and other structures,

(b) the percentage of lot that may be occupied,

(c) the size of yards, courts, and other open spaces,

(d) the density of population, and

(e) the location and use of buildings, structures, and land for trade, industry, residence or other purposes, except farming. No such regulations shall affect bona fide farms, but any use of such property for non-farm purposes shall be subject to such regulations. Such regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained.

Sec. 2. For any and all said purposes, the board of commissioners may divide the county, or portions of it as determined in accordance with the provisions of Section 4 below, into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this Act; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

Sec. 3. Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the

general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such county. Such regulations shall further be made with reasonable consideration to expansion and development of municipalities within the county, so as to provide for the orderly growth and development of such municipalities.

Sec. 4. The county zoning ordinance may regulate all territory in the county outside the zoning jurisdiction of any municipalities within the county.

Where the board of commissioners determines that it is not necessary to zone the entire county in order to serve the public interest, the board may, after a public hearing, designate one or more portions of the county as a zoning area or areas. Any such area or areas may be regulated in the same manner as if the entire county were zoned, and the remainder of the county need not be regulated.

Sec. 5. In order to avail itself of the powers conferred by this Act, the board of commissioners shall appoint a county planning board or a joint planning board under the provisions of G. S. 153-9(40) or of a special Act of the General Assembly. If the board of commissioners creates one or more zoning areas within the county under the provisions of Section 4 hereof, it shall also appoint an advisory commission for each zoning area, composed of residents of the area. Each advisory commission shall be charged with the duty of making recommendations to the planning board and the board of commissioners concerning zoning regulations for its area.

Sec. 6. The county planning board or joint planning board shall have the duty of preparing a zoning plan, including both the full text of a zoning ordinance and a map or maps showing proposed district boundaries. The planning board may hold such public hearings as it deems necessary in the course of preparing this plan. The planning board shall certify this plan to the board of county commissioners.

On receipt of a zoning plan from the county planning board, the board of commissioners shall hold a public hearing thereon, after which it may adopt the zoning ordinance and map as recommended, adopt it with modifications, or reject it.

The zoning ordinance, including the map or maps, may from time to time be amended, supplemented, changed, modified, or repealed. No amendment shall become effective unless it first be submitted to the planning board for its recommendations; failure of the planning board to make recommendations for a period of 30 days after the amendment has been referred to it shall constitute a favorable recommendation. No amendment may be adopted until after a public hearing thereon.

Sec. 7. Whenever in this Act a public hearing is required, all parties in interest and other citizens shall be given an opportunity to be heard. A

notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in the county, or, if there be no newspaper published in the county, by posting such notice at four public places in the county, said notice to be published the first time or posted not less than fifteen days prior to the date fixed for said hearing.

Sec. 8. If it exercises the powers granted by this Act, the board of commissioners shall provide for the appointment of a board of adjustment consisting of five members, each to be appointed for three years; provided, that the board of commissioners in the appointment of the original members of such board, or in the filling of vacancies caused by the expiration of the terms of the existing members of any such board, may make appointments of certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The board of commissioners may, in its discretion, appoint not more than two alternate members to serve on such board in the absence, for any cause, of any regular members. Such alternate member or members shall be appointed for the same term or terms as regular members, and shall be appointed in the manner as regular members and at the regular times for appointment. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent.

Such board of adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to this Act. Such appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the county. Such appeal shall be taken within such time as shall be prescribed by the board of adjustment by general rule, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. The board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

The zoning ordinance may provide that the board of adjustment may permit special exceptions to the zoning regulations in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified in the ordinance. The ordinance may also authorize the board to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of the ordinance. The board shall hear and decide all such matters referred to it or upon which it is required to pass any such ordinance.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinance, the board of adjustment shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official charged with the enforcement of an ordinance adopted pursuant to this Act, or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance, or to grant a variance from the provisions of such ordinance. Every decision of such board shall be subject to review by the Superior Court by proceedings in the nature of certiorari.

Sec. 9. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Act, or of any ordinance or other regulation made under authority conferred hereby, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings:

(a) to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use,

(b) to restrain, correct, or abate such violation,

(c) to prevent the occupancy of said building, structure, or land, or

(d) to prevent any illegal act, conduct, business, or use in or about such premises.

Sec. 10. Wherever the regulations made under authority of this Act require a greater width or size of yards or courts, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this Act shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Act, the provisions of such statute or local ordinance or regulation shall govern.

Sec. 11. This Act shall not have the effect of repealing any zoning act or county planning act, local or general, now in force; but it shall be construed to be in enlargement of the duties, powers, and authority contained in such statutes and all other laws authorizing the appointment and proper functioning of county planning boards or zoning commissions by any county in the State of North Carolina.

Sec. 12. All of the provisions of this Act and any ordinance adopted pursuant hereto are hereby made applicable to the erection and construction of buildings by the State of North Carolina and its political subdivisions.

Sec. 13. Notwithstanding any other provisions of this Act, no territory shall be zoned or regulated pursuant to this Act which does not lie within the regulating county and within three miles of the high-water mark on the perimeter of Cowans Ford Lake which is or will be formed by the construction of Cowans Ford Dam across the Catawba River in Mecklenburg County.

Sec. 14. This Act shall apply only to Iredell County.

Sec. 15. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 407 CHAPTER 909

AN ACT TO AMEND G. S. 20-217 TO ELIMINATE THE REQUIREMENT FOR A MOTOR VEHICLE TO STOP FOR A SCHOOL BUS LOADING OR UNLOADING CHILDREN WHEN SUCH BUS IS STOPPED IN THE OPPOSITE ROADWAY OF A DIVIDED HIGHWAY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-217, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the period at the end of the first paragraph thereof and by adding the following:

"; except, that the driver of a vehicle upon any highway which has been divided into two roadways, so constructed as to separate vehicular traffic between the two roadways by an intervening space or by a physical barrier, need not stop upon meeting or passing any such bus which has stopped in the roadway across such dividing space or physical barrier."

Sec. 1.1. It shall be unlawful for any principal or superintendent of any school, routing a school bus, to authorize the driver of any such busses to stop and receive or discharge passengers upon any highway which has been divided into two roadways where passengers would be required to cross the highway to reach their destination or to board the bus; provided, that passengers may be discharged or received at points where pedestrians and vehicular traffic is controlled by adequate stop-and-go traffic signals.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 452 CHAPTER 910

AN ACT TO FACILITATE INTER-GOVERNMENTAL PURCHASES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-129, as the same appears in the 1958 Replacement Volume 3B of the General Statutes of North Carolina, is hereby amended by striking the last two paragraphs thereof and substituting therefor the following:

"Any board or governing body of the State or of any institution of the State government or of any county, city, town, or other subdivision of the State may enter into any contract with (a) the United States of America or any agency thereof, or (b) any other governmental unit or agency thereof within the United States, for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment without regard to the foregoing provisions of this Section or to the provisions of G. S. 143-131.

"The director of administration or the governing board of any county, city, town, or other subdivision of the State may designate any officer or employee of the State, county, city, town or subdivision to enter a bid or bids in its behalf at any sale of apparatus, supplies, materials, equipment, or other property owned by (a) the United States of America or any agency thereof, or (b) any other governmental unit or agency thereof within the United States, and may authorize such officer or employee to make any partial or down payment or payment in full that may be required by regulations of the government or agency disposing of such property."

Sec. 1A. Nothing in this Act shall be construed to authorize the Division of Purchase and Contract of the Department of Administration to make any purchases for or on behalf of any county, city or town government in this State or any other political subdivision.

Sec. 1B. The powers granted herein are in addition to and not in substitution for existing powers granted by general laws or special Acts to cities and towns.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 623 CHAPTER 911

AN ACT TO AMEND G. S. 58-63 RELATING TO THE SCHEDULE OF FEES CHARGED BY THE COMMISSIONER OF INSURANCE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-63, subsection 3, as the same appears in the 1957 Cumulative Supplement to Volume 2B of the General Statutes, is hereby amended by striking out the words "thirty-six dollars per diem and all expenses", immediately following the comma after the word "company", in line 3, and immediately preceding the comma before the word "and", in line 4 of said subsection, and substituting in lieu thereof the words "not less than forty dollars per diem and all expenses or the fees as prescribed by the Examination Committee of the National Association of Insurance Commissioners".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 662 CHAPTER 912

AN ACT TO AMEND THE PROVISIONS OF G. S. 1-539.5 RELATING TO JURY TRIALS IN SMALL CLAIMS ACTIONS BY PROVIDING THAT THE JUDGES SHALL NOT FILE WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW UNLESS REQUESTED.

The General Assembly of North Carolina do enact:

Section 1. That Section 1-539.5 as the same appears in the 1957 Cumulative Supplement to Volume 1A of the General Statutes be amended by striking out the period at the end thereof and adding the following:

"provided that in the trial of small claims actions where there is no jury trial, the judge shall not be required to comply with the provisions of G. S. 1-185 unless one of the parties so requests, and such request may be made before or after the verdict."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 729 CHAPTER 913

AN ACT TO INCREASE THE PENALTY FOR OPERATING A MOTOR VEHICLE IN EXCESS OF EIGHTY MILES PER HOUR.

WHEREAS, the operation of motor vehicles, especially high-powered late models, at extremely high rates of speed has become a major menace to the life and safety of the citizens of North Carolina; and

WHEREAS, the operation of motor vehicles at such extremely high rates of speed means almost certain death for any person involved in an accident involving such motor vehicles; and

WHEREAS, the automobile manufacturers have in recent years continued to make automobiles increasingly high powered and capable of ridiculously high speeds, frequently more than double the lawful limit, although such power and speed is useless and unjustified in the lawful operation of motor vehicles; and

WHEREAS, under the present law the maximum punishment upon conviction of speeding in excess of eighty (80) miles per hour is one hundred dollars ($100.00) or sixty (60) days imprisonment, or both, even in cases where the facts establish cruel and reckless disregard for human life and criminal conduct of the most depraved type; and

WHEREAS, it is estimated that in the past several years there have been thousands of cases of speeding in excess of eighty (80) miles per hour, often as high as one hundred (100), one hundred and ten (110) and one hundred and twenty (120) miles per hour, and yet the most punishment that can be given is no more than can be given for speeds only slightly in excess of the speed limit and for many minor traffic violations; and

WHEREAS, the court should be permitted, in its discretion, where the circumstances warrant, to impose punishment in cases of high speed in excess of eighty (80) miles per hour as great as the penalty for unlawful racing; and

WHEREAS, it is greatly in the public interest of the people of North Carolina that positive steps be taken to curb the sharply increasing practice of extremely high speeds on the streets and highways jeopardizing the lives of all citizens: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Chapter 20 of the General Statutes of North Carolina is hereby amended by changing G. S. 20-180 to read as follows:

"§ 20-180. Penalty for Speeding. Every person convicted of violating G. S. 20-141 shall be guilty of a misdemeanor, and shall be punished as prescribed in G. S. 20-176(b), except that any person convicted of violating G. S. 20-141 by operating a motor vehicle on a public street or highway in excess of eighty (80) miles per hour shall be punished by a fine of not less than fifty dollars ($50.00), or imprisonment of not more than two years, or by both such fine and imprisonment, in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 2½. This Act shall not apply to violations occurring prior to July 1, 1959.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 752 **CHAPTER 914**

AN ACT RELATING TO THE COMPENSATION OF THE BOARD OF COUNTY COMMISSIONERS AND THE COUNTY BOARD OF EDUCATION OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of County Commissioners of Surry County shall receive as compensation for his services the sum of seventy-five dollars ($75.00) per month. The members of the board, other than the chairman, shall receive as compensation for their services the sum of fifty dollars ($50.00) per month. In addition, the members of the board shall receive an allowance of seven cents (7¢) per mile for each mile traveled in going to and from meetings of the board.

Sec. 2. G. S. 115-29, as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by adding at the end of the first paragraph thereof the following new sentence: "Provided that the Surry County Board of Education may fix the compensation for the chairman of the board not to exceed fifteen dollars ($15.00) per diem and seven cents (7¢) per mile for each mile traveled in going to and from meetings of the board, and the compensation for the members of the board, other than the chairman, not to exceed ten dollars ($10.00) per diem and seven cents (7¢) per mile for each mile traveled in going to and from meetings of the board."

Sec. 3. Chapter 548 of the Public-Local Laws of 1921 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 827 **CHAPTER 915**

AN ACT AMENDING G. S. 115-6, G. S. 115-230 AND G. S. 115-86 SO AS TO MAKE INDUSTRIAL EDUCATION CENTERS A PART OF THE PUBLIC SCHOOL SYSTEM AND TO PROVIDE THAT COUNTYWIDE CURRENT EXPENSE FUNDS FOR OPERATION OF INDUSTRIAL EDUCATION CENTERS BE ALLOCATED PRIOR TO APPORTIONMENT AMONG ADMINISTRATIVE UNITS OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-6 be and the same is hereby amended by adding thereto a new numbered paragraph to be designated as "6" and reading as follows:

"6. A vocational school known and designated as an industrial education center conducted for adults as well as mature or select high school students."

Sec. 2. That G. S. 115-230 be and the same is hereby amended by striking out the words "Federal Board of Vocational" appearing in lines 2 and 3 of said Section and inserting in lieu thereof the following: "United States Office of".

That G. S. 115-230 be and the same is hereby further amended by changing the period at the end thereof to a semi-colon and adding the following:

"to cooperate with the United States Office of Education in the operation and conduct of vocational schools known and designated as industrial education centers and to administer the funds and property provided by the Federal Government and by the State of North Carolina for the operation of such schools. The instruction in such industrial education centers shall be available to both adults and select high school students who have completed those courses that are prerequisite to the specific instruction desired. Assignments to an industrial education center shall be made under the provisions of Article 21 of this Chapter."

Sec. 3. G. S. 115-86 be and the same is hereby amended by striking out the period after the word "unit" at the end of the first paragraph, inserting a comma in lieu thereof, and adding the following:

"except that county-wide current expense funds for the operation of an industrial education center shall be allocated to the administrative unit operating such center on the basis of a budget approved by the board of county commissioners for such center."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 909 CHAPTER 916

AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES IN HENDERSON COUNTY AND TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY TO SELL AT PRIVATE SALE PROPERTY ACQUIRED BY TAX FORECLOSURES.

The General Assembly of North Carolina do enact:

Section 1. When it shall appear to the satisfaction of the Board of Commissioners of Henderson County that any real or personal property has been listed for taxes at an excessive valuation and/or there are outstanding delinquent taxes for the year 1948 and prior years, the Board is hereby authorized and empowered to make such reduction or settlement with the taxpayer or other interested parties for taxes due Henderson County on said property for the year 1948 and prior years as in their judgment is fair and just and will best subserve the interests of the county. All such taxes shall be payable in cash only and no reduction shall be made unless the taxpayer or other interested party at the time of such reduction pays to the county tax collector the amount fixed by the

commissioners as fair and just. When said money is paid the tax collector shall issue to the taxpayer or other interested parties a receipt which shall be in full settlement of all taxes due with respect to the particular property involved for the year 1948 and prior years. The provisions of this Section shall expire and become inoperative at the expiration of two years from the date of the ratification of this Act, except that action upon offers of settlement then pending may be completed within 30 days.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 918 CHAPTER 917

AN ACT CREATING A STATE OF NORTH CAROLINA STADIUM AUTHORITY, TO DEFINE AND PROVIDE ITS PURPOSES AND DUTIES, AND TO AUTHORIZE IT TO ISSUE SELF-LIQUIDATING REVENUE BONDS TO FINANCE THE ACQUISITION, CONSTRUCTION, EQUIPMENT, MAINTENANCE AND OPERATION OF ITS FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created an agency to be known as the North Carolina Stadium Authority.

Sec. 2. As used in this Article unless the context clearly requires otherwise:

(A) "Stadium" shall mean a permanent structure, with or without a permanent or removable roof or covering, of a type that will afford accommodations for large numbers of spectators and enclosing, partially or totally, an area suitable or adaptable for holding athletic contests, theatrical events, musical concerts, religious assemblies, military drills and exhibitions, expositions, conventions, and similar or related events tending to promote the education, recreation, or pleasure of the general public.

(B) "Authority" shall mean the North Carolina Stadium Authority.

(C) "Board" shall mean the Board of Directors of the North Carolina Stadium Authority.

Sec. 3. Through the Authority hereinabove created the State of North Carolina may promote, acquire, develop, construct, equip, maintain, and operate a stadium on or within one mile of the land dedicated and set apart for the holding of the State Fair, for the accomplishment of the following purposes:

(A) To promote and develop the educational and cultural interest of the people of this State.

(B) To provide for the health, comfort, pleasure, and amusement of the people of this State.

(C) To stimulate and encourage the improvement of agricultural and industrial skills, techniques and practices.

(D) To further advance the economic and commercial interests of the people of this State by attracting tourists and other visitors to the State.

Sec. 4. The operations and affairs of the Authority shall be managed and governed by a board of directors consisting of seven members who shall be appointed by the Governor. Of the seven members who are appointed, three shall serve for a term of six years, two for a term of four years, and two for a term of three years, and until their successors are appointed. Upon the expiration of the first term to which an appointment is made, each term shall thereafter be for a term of six years, and until their successors are appointed. Any vacancy occurring in the membership of the Board, for any cause whatsoever, shall be filled by appointment by the Governor for the unexpired term.

Sec. 5. The Board shall elect one of its members as chairman, one as vice chairman, and shall also elect a secretary and a treasurer, who need not necessarily be members of the Board. The Board shall meet upon the call of its chairman, and a majority of its members shall constitute a quorum for the transaction of business. The members of the Board shall not be entitled to compensation for their services but shall be reimbursed for actual expenses necessarily incurred in the performance of their duties.

Sec. 6. In furtherance of the purposes of this Act, the Authority is hereby:

(A) Granted the powers of a body corporate, including the power to sue and be sued, to make contracts, and to adopt and use a common seal and to alter the same as may be deemed expedient.

(B) Authorized and empowered to rent, lease, buy, own, acquire, mortgage, otherwise encumber, and dispose of such property, real or personal, as the Authority may deem proper to carry out the purposes and provisions of this Act, all and any of them.

(C) Authorized and empowered to acquire, develop, construct, maintain, equip and operate a stadium and any and all facilities necessarily incident thereto, including but not limited to field houses, dressing rooms, parking areas, eating and refreshment facilities and accommodations for press, radio and television personnel and equipment.

(D) Granted the power to appoint and employ and dismiss in the discretion of the Board, or its designated supervisor, such employees as may be selected by the Board, or its designated supervisor, and to fix and pay compensation for their services.

(E) Granted the power to establish an office for the transaction of its business at such place or places as in the opinion of the Board shall be necessary or advisable in carrying out the purposes of this Act.

(F) Authorized and empowered to pay all necessary costs and expenses involved in and incident to the formation and organization of the Authority, and incident to the administration and operation thereof, and to pay all other costs and expenses reasonably necessary or expedient in carrying out and accomplishing the purposes of this Act.

(G) Granted the power to adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which the business of the

Authority may be transacted and the powers granted to it may be enjoyed; and the power to provide for the appointment of such committees, and the functions thereof, as the Authority may deem necessary or expedient in facilitating its business.

(H) Authorized and empowered to do any and all other acts and things in this Act authorized or required to be done, whether or not included in the general powers in this Section mentioned, and be authorized and empowered to do any and all things necessary to accomplish the purposes of this Act.

Sec. 7. The property and income of the Authority shall not be subject to any taxes or assessments thereon.

Sec. 8. As a means of raising the funds needed in the conduct of the operations of the Authority and in the acquisition, construction, equipping, maintaining and operating the stadium and facilities incident thereto, the Board is hereby authorized at one time or from time to time to issue negotiable revenue bonds of the Authority. The principal and interest of the revenue bonds shall be payable solely from the revenues derived from the operation of all or any part of the properties and facilities of the Authority.

(A) A pledge of all or part of the net revenues derived from the operation of the stadium and facilities may be made to secure the payment of said bonds as and when they mature.

(B) Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt or obligation of the State of North Carolina, or any of its departments, institutions, agencies or commissions. The issuance of such revenue bonds shall not directly, or indirectly or contingently obligate the State to levy or pledge any form of taxation whatever therefor or to make any appropriation for their payment.

(C) Such bonds, the income thereof and any gain realized from the sale thereof shall be exempt from all taxation within the State.

Sec. 9. All funds of the Authority shall be deposited in a bank or banks to be designated by the Board. Funds of the Authority shall be paid out only upon warrants signed by the treasurer of the Authority and countersigned by the chairman or the acting chairman of the Board. No warrant shall be drawn or issued disbursing any funds of the Authority except for the purposes authorized by this Act and only when the account or expenditure for which the warrant is to be given in payment has been audited and approved by the Board. Any and all net revenues or earnings not necessary or desirable for the operation of the business of the Authority shall be held subject to the further action of the General Assembly.

Sec. 10. The Board shall require a surety bond of the treasurer of the Authority in such amount as the Board may fix and the premium or premiums thereon shall be paid as a necessary expense of the Authority.

Sec. 11. At least once in each year the Board shall publish in some newspaper published in Wake County, North Carolina, a complete and detailed statement of all moneys received and disbursed by the Authority during the preceding year. Such statement shall include the sources from

which funds were received, the balance on hand at the time of publishing the statement, and shall show the complete financial condition of the Authority.

Sec. 12. It is intended that the provisions of the Act shall be liberally construed to accomplish the purposes provided for, or intended to be provided for, herein, and where strict construction would result in the defeat of the accomplishment of any of the acts herein authorized, and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be applied.

Sec. 13. If any Section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional or otherwise invalid, such shall not affect the validity of the portions remaining.

Sec. 14. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 926 CHAPTER 918

AN ACT TO ESTABLISH A PUBLIC LAW LIBRARY FOR PUBLIC OFFICIALS, COURTS AND OTHERS IN CRAVEN COUNTY.

WHEREAS, the establishment and maintenance of a law library for the use of the public and the officials of Craven County, the City of New Bern, judges, solicitors and other officers of the courts of said county is necessary and essential and in the interests of the most efficient administration of justice in the courts; and

WHEREAS, it is desired to provide for the proper books, furnishings, supplies, equipment, furniture and records necessary for the establishment and maintenance of said library: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby established in Craven County a public law library to be known as the Craven County-City of New Bern Public Law Library, which shall be kept and maintained as provided by this Act, for the County of Craven, City of New Bern, and the use of the public and the officials of said county and city and officers of the courts held therein.

Sec. 2. That the Chairman of the Board of County Commissioners of Craven County, the Mayor of the City of New Bern, the Clerk of the Superior Court of Craven County, and the President of the Craven County Bar Association and their successors in office be, and they are hereby constituted the custodians of all books, furnishings, supplies, equipment, furniture and records of the law library.

Sec. 3. All books, furnishings, supplies, equipment, furniture and records of said library shall be the property of the County of Craven and the City of New Bern, and the said County and City are authorized and empowered to hold said property and to add thereto from time to time by gift, donation, purchase or otherwise, such books, furnishings, supplies, equipment, furniture and records as may be deemed reasonably necessary and proper for the said library.

Sec. 4. That the custodians provided for in Section 2 above are authorized and empowered to make such provisions as are reasonable and necessary to provide for the care, protection, custody and use of all books, furnishings, supplies, equipment, furniture and records of said law library.

Sec. 5. In order to provide a fund for the purchase of a law library, furnishings, supplies, equipment, furniture and records therefor, and the care, custody and use thereof, the sum of one dollar ($1.00) shall be taxed as costs and collected by the Clerk of Superior Court of Craven County in each and every criminal case and each and every civil case wherein final disposition of said case is made by trial or otherwise in the Craven County Recorder's Court or in the Superior Court of Craven County after the ratification of this Act, except in such cases in which said county is adjudged to pay all costs. The revenue received therefrom shall be set apart in a fund to be known and designated as the Craven County-City of New Bern Law Library Fund, and said fund shall be deposited by the Clerk of the Superior Court in a bank in Craven County designated as a county depository and accounted for by said Clerk as other official funds coming into his hands, said funds to be included in the provisions of the official bond required of the Clerk of the Superior Court of Craven County, and to be secured as other county funds.

Sec. 6. It shall also be the duty of the Clerk of the Recorder's Court of Craven County and the Clerk of the Municipal Recorder's Court of the City of New Bern after the effective date of this Act to collect in each and every case finally disposed of in his court, except in cases in which Craven County or the City of New Bern is adjudged to pay all costs, the sum of one dollar ($1.00), which amount shall be immediately paid over to the Clerk of the Superior Court of Craven County to supplement the aforesaid Law Library Fund, which shall be deposited as herein provided, and which shall be expended in the way and manner provided in this Act.

Sec. 7. From the funds so collected as provided in Section 5 and Section 6 of this Act it shall be the duty of the Clerk of the Superior Court of Craven County to purchase subject to the approval of the custodians provided for in Section 2 of this Act and pay for such volumes and sets of books, furnishings, supplies, equipment, furniture and records therefor as shall be recommended by a committee of three members of the Craven County Bar Association to be appointed annually by the President of the Craven County Bar Association and approved by said custodians, and to make such provisions as are recommended by said committee and approved by the custodians provided for in Section 2 of this Act for the care, protection, custody and use of said books, furnishings, supplies, equipment, furniture and records. In order to immediately provide for said library and to carry out the intent and purpose of this Act, the Clerk of the Superior Court of Craven County shall, with the approval and consent of the custodians, enter into such contracts and agreements and make such purchases as may be necessary to equip and furnish said library, to be paid for out of funds to be collected or collected pursuant to Section 5 and Section 6 of this Act. All checks on said account shall be drawn and signed by the Clerk of the Superior Court of Craven County and countersigned by the County Auditor,

and it shall be the duty of the said Clerk to keep a correct account of all receipts and disbursements in connection with said library fund and make an annual report thereof to the Board of County Commissioners of Craven County and to the Board of Aldermen of the City of New Bern, which said account shall be subject to the regular and annual audit provided by law or otherwise for other county funds.

Sec. 8. The moneys provided for in Sections 5 and 6 herein shall, after a period of three years from the effective date of this Act, be subject to reduction or discontinued for any period or periods of time in the discretion of the Board of Commissioners of Craven County and the Board of Aldermen of the City of New Bern, such reduction or discontinuance to be made so as to provide adequate but not excessive funds for the maintenance of said Library, and any reduction or discontinuance in the amounts to be collected from the courts as hereinbefore provided, shall apply equally to all courts to which this Act is applicable.

Sec. 9. All laws and clauses of laws in conflict with this Act regarding the disposition of the specified herein provided costs received by the office of the Clerk of the Superior Court of Craven County are hereby repealed.

Sec. 10. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 932 CHAPTER 919

AN ACT TO AMEND G. S. 162-7 RELATING TO THE FEES TO BE CHARGED BY THE SHERIFF OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 162-7, as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by adding at the end thereof the following:

"The Sheriff of Alleghany County is hereby authorized to charge the following fees:

For serving warrant	$ 3.00
For serving capias	3.00
For serving subpoena in criminal or civil cases in any court, each	1.00
For serving summons issued by justice of the peace	2.00
For serving claim and delivery summons	3.00

Provided, that when a fee is not fixed herein, such fee shall be charged as is now provided under G. S. 162-7."

Sec. 2. The Sheriff of Alleghany County shall charge in addition to the above fee for serving claim and delivery summons all actual expenses of transporting, keeping and caring for any property seized under claim and delivery.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 977 **CHAPTER 920**

AN ACT AMENDING H. B. 606, 1959 SESSION, RATIFIED ON MAY 5, 1959, RELATING TO CERTAIN WITNESS FEES IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of H. B. 606, ratified on May 5, 1959, entitled "AN ACT TO AMEND G. S. 6-52 RELATING TO THE WITNESS FEES OF SALARIED LAW ENFORCEMENT OFFICERS IN THE CRIMINAL COURTS OF WAYNE COUNTY", is hereby amended by striking out the period and quotation marks at the end of said Section, substituting a colon therefor and adding the following:

"All fees paid as witness fees for county or State employees under the terms of this Act shall be remitted directly to the county general fund; no funds of Wayne County are to be used to carry out the provisions of this Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1054 **CHAPTER 921**

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE PASQUOTANK COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. All members of the Board of Education of Pasquotank County shall receive as compensation for their services the sum of fifteen dollars ($15.00) per day for each day necessarily engaged in carrying out the duties of their office and in addition thereto shall receive the sum of seven cents ($.07) per mile for travel necessarily incurred in performing the duties of their office. In addition to the foregoing, the Chairman of the Board of Education of Pasquotank County shall receive as compensation for his services the sum of one hundred fifty dollars ($150.00) per year.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1077 **CHAPTER 922**

AN ACT TO AUTHORIZE BURKE COUNTY AND THE MUNICIPALITIES THEREIN TO EXPEND FUNDS SO AS TO EXTEND CERTAIN WATER, SEWER, AND ELECTRICAL FACILITIES TO INDUSTRIAL SITE AREAS.

The General Assembly of North Carolina do enact:

Section 1. The governing body of any incorporated town in Burke County is hereby authorized, in its discretion, to extend water, sewer, and electrical facilities to industrial site areas outside the corporate limits when, in the opinion of any such governing body, it appears probable that such area is likely to be included within the corporate limits at some future time, and to expend funds therefor.

The Board of County Commissioners of Burke County and the governing body of any incorporated town in Burke County are authorized to enter into contracts providing for sharing or distribution of the cost of the extension of the above referred to facilities, or to provide for reimbursement or partial reimbursement by the county of expenses incurred by an incorporated town. The board of county commissioners is authorized to expend funds for the above referred to purpose.

Neither the board of county commissioners nor the governing body of an incorporated town shall expend any ad valorem tax funds or levy any ad valorem taxes for the purposes of this Act, unless the same is approved at an election thereon in the governmental unit proposing to levy ad valorem taxes therefor, which election shall be called and conducted as nearly as possible in conformity with the procedure set forth in Sections 153-92 through 153-100 of the General Statutes when a county election is required and G. S. 160-387 when a municipal election is required.

Sec. 2. This Act shall apply only to Burke County and the incorporated towns therein.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1096 **CHAPTER 923**

AN ACT TO REGULATE THE PAYMENT OF TAXES IN MITCHELL COUNTY AND TO CANCEL AND ABATE CERTAIN INTEREST AND PENALTIES ON DELINQUENT TAXES IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Mitchell County is authorized, in its discretion, to cancel, waive and abate any and all interest, penalties, and costs, on all delinquent taxes for the year 1957 and prior years; provided, that said delinquent taxes are paid on or before April 1, 1960.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1105 CHAPTER 924

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BEAUFORT COUNTY TO CALL A SPECIAL ELECTION FOR THE AUTHORIZATION OF AN INDUSTRIAL DEVELOPMENT TAX FOR BEAUFORT COUNTY AND TO CREATE AND FIX THE POWERS OF AN INDUSTRIAL DEVELOPMENT COMMISSION FOR BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Beaufort County is authorized and empowered to call a special election upon the duly presented petition of any one hundred (100) qualified voters of Beaufort County to determine whether it be the will of the qualified voters of said county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said Beaufort County, to be known as an Industrial Development Tax, the funds therefrom, if the levy be authorized by the voters of Beaufort County, to be used for the purpose of attracting new and diversified industries to Beaufort County, and for the encouragement of new business and industrial ventures by local as well as foreign capital, and for the purpose of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial plants in Beaufort County, and for the purpose of encouraging agricultural development in said county.

Sec. 2. There shall be no new registration of the voters of Beaufort County for such election. The registration books shall be open for the registration of new voters of Beaufort County at nine o'clock a.m., Eastern Standard Time, on the fourth Saturday before such election, and the said books shall be closed at sunset on the second Saturday before such election. The Saturday immediately before the election day shall be "Challenge Day". The registrar of each precinct of Beaufort County shall be furnished with a registration book and it shall be his duty between the hours of nine o'clock a. m., Eastern Standard Time, and sunset on each day during the period when the registration books are open, to keep open said books for the registration of new voters of Beaufort County residing within such precinct and entitled to registration. On each Saturday during the period of registration, the registrar shall attend with his registration books at the polling place of his precinct between the hours of nine o'clock a. m., Eastern Standard Time, and sunset, for the registration of voters.

Sec. 3. A notice of such registration of new voters shall be published in a newspaper circulated in Beaufort County once, not less than thirty days before and not more than forty days before the closing of the registration books, stating the hours and days for registration. It shall not be necessary to specify in said notice the places of said registration, except that the said notice shall state that on each Saturday during the period of registration, each registrar of Beaufort County will attend with his registration books at the polling place of his precinct, between the hours of nine a. m., Eastern Standard Time, and sunset, for the registration of voters.

Sec. 4. The registrars appointed for such election are directed to enter upon the registration books the names of any and all legal residents of Beaufort County, who are or could legally be enfranchised as qualified voters for regular general elections, not heretofore registered, and who may present themselves to be registered. In addition to registering such qualified persons who so present themselves during the specified hours of registration, the said registrars are authorized and empowered during any interim period from nine o'clock a. m., Eastern Standard Time, on the first set Saturday of registration to and inclusive of five o'clock p. m., Eastern Standard Time on the fourth such Saturday, to see and contact at their homes or elsewhere any such duly qualified persons and to register them upon the registration books.

Sec. 5. The hours of such an election, on a date to be designated by the Board of County Commissioners of Beaufort County, are fixed at seven o'clock a. m., Eastern Standard Time to seven o'clock p. m., Eastern Standard Time. The said special election, if called, shall be under the control and supervision of the Beaufort County Board of Elections, and at such special election said election board shall cause to be placed at each voting precinct in Beaufort County a ballot box marked "Industrial Development Tax Election". At said election all voters of Beaufort County who are duly qualified electors and who are duly registered may vote in said election. Each of said voters when he or she comes to the polling place to vote shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words "For Industrial Development Tax" and "Against Industrial Development Tax", which alternates shall appear separated from each other on one ballot containing opposite and to the left of each alternate, squares of appropriate size in one of which squares the voters may mark "X" to designate the voters' choice for or against such tax. Such ballots shall be printed on white paper, and each polling place in Beaufort County shall be supplied with a sufficient number of ballots not later than the day before the election.

Sec. 6. The duly appointed judges and other election officials who are named and fixed by the Beaufort County Board of Elections shall count the ballots so cast in such election and the results of the election shall be officially canvassed, certified and announced by the proper officials of the Beaufort County Board of Elections, according to the manner of canvassing, certifying and announcing the elections held under the general election laws of the State. Except as herein otherwise provided, the

registration and election herein provided for shall be conducted in accordance with the general election laws of the State as provided for local elections.

Sec. 7. If a majority of those voting in such election favor the levying of such a tax, the Board of Commissioners of Beaufort County is authorized to levy such a tax at a rate not to exceed five cents (5¢) on each one hundred dollars ($100.00) of assessed value of real and personal property taxable in Beaufort County, and the General Assembly does hereby give its special approval for the levy of such special tax.

Sec. 8. If the majority of the qualified voters voting in such election favor the levying of such a tax, then and in that event there is hereby created a commission to be known as the Industrial Development Commission for Beaufort County; such commission shall be composed of seven (7) members, all of whom shall be residents and freeholders of Beaufort County, to be named by the Beaufort County Board of Commissioners. The terms of office of the members of the commission shall be three (3) years with the exception of the first two years' existence of the commission, in which three shall be appointed to serve for a period of one year, two for a period of two years, and two for a period of three years; thereafter, all members shall be appointed for three years and they shall serve until their successors have been appointed and qualified. All appointments for unexpired terms resulting from resignation, death or other causes shall be made by the Beaufort County Board of Commissioners. The commission shall hold its first meeting within thirty (30) days after its appointment as provided for in this Act, and the beginning date of all terms of office of the commissioners shall be the date on which the commission holds its first meeting. After the members of the commission shall have been appointed and at the time of the holding of the first meeting, they shall, by a majority vote, name and select from their membership their own chairman, vice chairman, and secretary, and shall draw up and ratify their own bylaws and procedural rules and policies. The County Accountant of Beaufort County shall have supervision of all funds administered by the commission in any way whatsoever. Checks drawn by the commission shall be signed by the chairman of the commission, the secretary of the commission, and countersigned by the County Accountant of Beaufort County who shall be custodian of the funds of the commission. No money, property or funds of the commission herein created shall be used directly or indirectly as a subsidy or investment in capital stock or capital assets in any business, industry or business venture.

Sec. 9. Under the supervision and jurisdiction of the Industrial Development Commission for Beaufort County there shall be set up a bureau, the purpose of which shall be to encourage new business and industrial development based on either local or foreign capital, and for the purpose of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial plants in Beaufort County, and for the purpose of encouraging agricultural development in said county, in any and all ways which may be deemed advisable by the commission; that the commission shall have charge of the activities of this bureau, full

supervision of its operation, and full responsibility for its actions; that this jurisdiction shall include employment of personnel for the bureau, supervision of its purchase and expense accounts. The commission shall be empowered to purchase advertising space in periodicals which may be selected for that purpose, and to otherwise engage in any and all activities which shall, in its discretion, promote the business and industrial development and general economic welfare of Beaufort County, and shall have full power to exercise any and all other proper authority in connection with its duties and not expressly mentioned herein. Beaufort County shall provide suitable quarters and furniture and fixtures for the commission herein created. Provided, that said commission shall provide the board of county commissioners thirty days prior to June 1 a proposed budget for the fiscal year commencing on July 1 and shall provide the board of county commissioners an audit by a certified public accountant within sixty days after the expiration of the fiscal year ending on June 30. Nothing herein shall prevent the board of county commissioners itself from functioning and carrying out the duties of the Industrial Development Commission as provided for herein.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1112 CHAPTER 925

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, which fixes the terms of the Superior Court in Rowan County is hereby amended by adding a new paragraph at the end thereof to read as follows:

"In addition to the terms of court provided for above, there shall be held in Rowan County the following term of court: The thirteenth Monday after the first Monday in September to continue for one week for the trial of civil cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1120 **CHAPTER 926**

AN ACT MAKING THE PRACTICE OF PHRENOLOGY, PALMISTRY, FORTUNE TELLING OR CLAIRVOYANCE UNLAWFUL IN PITT COUNTY EXCEPT AS SPECIFIED.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person to practice the arts of phrenology, palmistry, fortune telling, clairvoyance or other crafts of similar kind in the County of Pitt. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than one year, or by both such fine and imprisonment in the discretion of the court. Provided, that the provisions of this Act shall not apply to any person who has been a bona fide resident of said County of Pitt for fifteen or more years prior to the ratification of this Act and is a freeholder in said county.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1121 **CHAPTER 927**

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, which fixes the terms of Superior Court to be held in Johnston County is hereby amended by rewriting the second paragraph thereof to read as follows: "In addition to the terms of court provided for above there shall be held in the County of Johnston the following terms of court: The fifth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the second Monday before the first Monday in March. The Chief Justice shall assign a regular, special or emergency judge to hold the terms of court set forth in this paragraph."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1159 **CHAPTER 928**

AN ACT TO AMEND G. S. 66-84 OF ARTICLE 17 OF CHAPTER 66 OF THE GENERAL STATUTES RELATING TO FALSE ADVERTISING AS TO GOING-OUT-OF-BUSINESS SALES SO AS TO MAKE THE SAME APPLICABLE TO ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 66-84 of Article 17 of Chapter 66 of the General Statutes, as the same appears in the 1957 Cumulative Supplement to Volume 2B of the General Statutes is hereby amended by adding immediately following the colon after the word "counties" and immediately preceding the word "Ashe", in line 2, the word "Alamance,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1187 **CHAPTER 929**

AN ACT TO AMEND CHAPTER 336, SESSION LAWS OF 1955, WHICH AMENDS G. S. 115-182, TO ALLOW JUSTICES OF THE PEACE OF BRUNSWICK COUNTY COMPENSATION FOR ISSUING WARRANTS AND FIXING BOND IN CASES IN WHICH THE BOND IS FORFEITED.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 336, Session Laws of 1955, is hereby amended by striking out the words and figures "one dollars ($1.00)," immediately following the word "of" and immediately preceding the word "in", in line four of said Section, and substituting in lieu thereof the words and figures "two dollars ($2.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1192 **CHAPTER 930**

AN ACT TO AMEND CHAPTER 1334 OF THE SESSION LAWS OF 1955, RELATING TO THE REGULATION OF THE SUBDIVISION OF LAND IN AND AROUND MUNICIPALITIES, SO AS TO MAKE THE SAME APPLICABLE TO ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1334 of the Session Laws of 1955 is hereby amended by striking out in line 7 of Section 2 the word, "Rowan,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1199 CHAPTER 931

AN ACT TO AMEND G. S. 115-53 AND AUTHORIZE THE CHARLOTTE CITY SCHOOL ADMINISTRATIVE AND THE MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT TO SELECT SUCH NEGLIGENT ACTS OR TORTS AND SUCH OFFICIALS AND EMPLOYEES TO BE COVERED BY LIABILITY INSURANCE AS THE CHARLOTTE CITY BOARD OF EDUCATION MAY DECIDE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-53 is hereby amended by inserting a new paragraph after the second paragraph of said Section to read as follows:

"In the Charlotte City School Administrative Unit and in the Mecklenburg County School Administrative Unit, any contract of insurance may cover such negligent acts or torts and such officials and employees as the Charlotte City Board of Education, with respect to the City School Administrative Unit, and the Mecklenburg County Board of Education, with respect to the County School Administrative Unit, may decide. The board in each administrative unit may purchase one or more contracts of insurance pursuant to this Section, each such contract covering different negligent acts or torts on different officials or employees from every other contract."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1203 CHAPTER 932

AN ACT RELATING TO THE FILING AND RECORDING OF PAPERS BY THE CLERK OF SUPERIOR COURT AND THE REGISTER OF DEEDS OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Neither the Clerk of Superior Court nor the Register of Deeds of Franklin County shall accept for probate or recordation any deed, deed of trust or mortgage conveying any real estate, executed after July 1, 1959, unless there shall appear on such deed, deed of trust or mortgage the name of the person or firm who drafted such instrument, or unless in some similar manner the draftsman shall be designated thereon

or therewith and the name of the draftsman may appear following the words, "drawn by", on such instrument or cover thereof or in any other manner so that the draftsman may be designated, and it shall be the duty of the Clerk of Superior Court or the Register of Deeds of Franklin County to record with such papers or documents the words "drawn by" and the signature or name of the person who drafted said papers or documents, or such designation of the draftsman of such papers or documents; provided that papers or documents executed and acknowledged in other counties of North Carolina or in other states or countries for probate or recordation in Franklin County may be accepted for probate or recordation without such signature, name or other designation of the draftsman of such papers or documents; provided further, that when the person presenting any such paper or document for probate or recordation in Franklin County cannot secure the signature of the person who drafted such paper or document, then upon the filing of a verified petition setting forth the name of the draftsman or that after the exercise of due diligence the draftsman cannot be found or identified, and that the signature of the draftsman of such paper or document cannot be secured, the Clerk of Superior Court of Franklin County shall enter an order allowing such paper or document to be admitted to probate or recordation without the signature of the draftsman but in lieu thereof bearing reference to such order, and thereafter probate or record the same.

Sec. 2. This Act shall apply only to Franklin County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1221

CHAPTER 933

AN ACT TO AMEND ARTICLE 36 OF CHAPTER 7 OF THE GENERAL STATUTES RELATING TO THE COUNTY CRIMINAL COURT OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-393, as the same relates to the jurisdiction and procedure in the Anson County Criminal Court, is hereby amended by adding at the end thereof a new paragraph to read as follows:

"Provided that in the Anson County Criminal Court, written waivers of appearance shall be accepted when tendered in cases wherein the charge is speeding, not in excess of seventy miles per hour; and where bond is forfeited on charges of speeding, not in excess of seventy miles per hour, the same shall be deemed to constitute final judgment in the case."

Sec. 2. G. S. 7-394, as the same relates to jury trials in the Anson County Criminal Court, is hereby amended by adding at the end thereof a new sentence to read as follows:

"Provided that request for jury trial in the Anson County Criminal Court may be made by attorney and without the necessity of the defendant being present at the time of the making of the request."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

H. B. 1265 CHAPTER 934

AN ACT TO AMEND CHAPTER 1281 OF THE SESSION LAWS OF 1957 RELATING TO EXAMINATIONS HELD BY THE CIVIL SERVICE BOARD OF THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Section 1. The fifth paragraph of Section 42 of Chapter 1281 of the Session Laws of 1957 is amended by striking out the last sentence and substituting in lieu thereof the following: "Such examinations may be given at such times as may be fixed by the Civil Service Board."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1959.

S. B. 398 CHAPTER 935

AN ACT TO AMEND G. S. 153-13 RELATING TO THE COMPENSATION OF THE COUNTY COMMISSIONERS OF GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 115 of the Session Laws of 1951 is repealed.

Sec. 2. G. S. 153-13 is amended by adding at the end thereof the following:

"Provided, that in Gaston County the Chairman of the Board of County Commissioners shall be paid for his services the sum of twelve hundred dollars ($1200.00) per annum, to be paid in twelve equal monthly installments. Every other member of the board of county commissioners shall be paid for his services the sum of nine hundred dollars ($900.00) per annum, to be paid in twelve equal monthly installments, plus the sum of ten dollars ($10.00) for each special or called meeting of the board attended by him."

Sec. 3. That so much of Chapter 236 of the Session Laws of 1945 as conflicts with the provisions of this Act, and so much of Chapter 333 of the Session Laws of 1943 as conflicts with the provisions of this Act, and so much of Chapter 44 of the Public-Local Laws of 1933 as conflicts with

the provisions of this Act, and so much of Chapter 464 of the Public-Local Laws of 1921 as conflicts with the provisions of this Act, and so much of Chapter 152 of the Public-Local Laws of 1911 as conflicts with the provisions of this Act, and so much of Chapter 904 of the Public-Local Laws of 1907 as conflicts with the provisions of this Act, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

S. B. 424 **CHAPTER 936**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A VETERANS SERVICE OFFICER IN YANCEY COUNTY AND TO FIX HIS SALARY, AND TO PROVIDE THAT THE REGISTER OF DEEDS OF YANCEY COUNTY SHALL BE PAID A MONTHLY SALARY OF NOT LESS THAN SEVENTY-FIVE DOLLARS FOR SERVICES AS CLERK TO THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 165-6 be and the same is hereby amended by adding at the end thereof the following:

"Effective July 1, 1959, the Veterans Service Officer for Yancey County shall serve for a period of four years and until his successor is appointed and qualified. H. Grady Bailey is hereby appointed as service officer for Yancey County and he shall hold said office until the first day of July, 1963, and until his successor is duly appointed and qualified. At the expiration of the term of office of the Veterans Service Officer for Yancey County named in this Act, his successor shall be appointed by the Board of County Commissioners of Yancey County. The salary of the Veterans Service Officer for Yancey County shall be twenty-seven hundred dollars ($2700.00) per year, payable in equal monthly installments from the general fund of the county. In addition, the board of county commissioners shall furnish said veterans service officer office space, utilities, and allow him the sum of one hundred fifty dollars ($150.00) per year for the purchase of office supplies."

Sec. 2. That the Register of Deeds of Yancey County shall serve as clerk to the board of county commissioners. For his services as clerk to the board of county commissioners and other services rendered by said register of deeds for which no fee is fixed by law, said register of deeds shall receive a salary of not less than seventy-five dollars ($75.00) per month, to be fixed by the board of county commissioners and paid from the general fund of the county.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

S. B. 446 **CHAPTER 937**

AN ACT TO AUTHORIZE THE TOWN COUNCIL OF THE TOWN OF TARBORO TO CHARGE OFF UNSECURED PERSONAL PROPERTY, POLL AND DOG TAXES WHICH ARE TEN OR MORE YEARS DELINQUENT.

The General Assembly of North Carolina do enact:

Section 1. The Town Council of the Town of Tarboro is hereby authorized to charge off and relieve the tax collector of all uncollected personal property, poll and dog taxes which are not liens against real estate and which are ten or more years delinquent upon the adoption of a resolution setting forth the apparent uncollectibility of the taxes included in the resolution, the names of the taxpayers, the years for which the taxes were levied, and the face amounts of such taxes. Upon the adoption of such resolution, the tax receipts and stubs set out in such resolution shall be turned over to the town accountant, who shall keep same in his possession for a period of not less than five years when they may be destroyed upon the order of the town council. While such tax receipts and stubs are in the hands of the town accountant, an annual audit of such tax receipts and stubs will not be required. In the event such taxes or any part of same shall become collectible, they shall be recharged to the tax collector upon the order of the town council, and the tax collector shall proceed to collect the taxes so recharged to him in the same manner as if said taxes had not been taken out of his hands. Each year at the time of the tax lien sale uncollected personal property, poll and dog taxes which are not liens upon real estate and which are then ten or more years delinquent may be charged off and subsequently recharged to the tax collector in the manner set out above.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 35 **CHAPTER 938**

AN ACT TO CREATE A STATE LEGISLATIVE BUILDING COMMISSION AND TO PROVIDE FOR THE ERECTION OF A STATE LEGISLATIVE BUILDING.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the State Legislative Building Commission, which shall consist of two persons who have served in the State Senate, appointed by the President of the Senate; two persons who have served in the House of Representatives, appointed by the Speaker of the House of Representatives; and three persons appointed by the Governor. All members shall be appointed on July 1, 1959, or as soon thereafter as it practicable, and shall serve until the completion of the duties

assigned to the Commission. Each vacancy occurring in the membership of the Commission shall be filled by appointment of the officer authorized to make the initial appointment to the place vacated, and each appointee to fill a vacancy shall have the same qualifications prescribed by this Act for the appointee whom he succeeds. The members of the Commission shall elect one of their number as Chairman.

Sec. 2. The State Legislative Building Commission shall have the following powers and duties:

(a) To acquire on behalf and in the name of the State a suitable site in the City of Raleigh for a State Legislative Building and related facilities and grounds.

(b) To employ architects to prepare plans for the State Legislative Building, to assist and advise the architects in the preparation of those plans, and to approve on behalf of the State all plans for the State Legislative Building. No plans shall be made or included for quarters for the Governor.

(c) To enter on behalf of the State into contracts for the purchase of all real property and interests therein, services, materials, furnishings, and equipment required in connection with the location, design, construction, furnishing, and equipping of the State Legislative Building.

(d) To supervise generally the location, construction, furnishing, and equipping of the State Legislative Building.

(e) To call upon the Department of Administration, the Attorney General, and any other State agency or officer for such assistance as the Commission may require in carrying out its duties.

(f) To appoint such advisory committees, composed of persons not members of the Commission, as the Commission deems necessary.

(g) To report to the General Assembly at each regular Session concerning action taken by the Commission during the previous biennium in carrying out the provisions of this Act, and to make such special reports as may be requested by the General Assembly or the Governor.

Sec. 3. Whenever the State Legislative Building Commission finds it necessary to acquire land, rights of way, or easements in order to carry out the purposes of this Act, and the Commission is unable to purchase the same from the owners at an agreed price, or is unable to obtain a good and sufficient title therefor by purchase from the owners, then the Commission may exercise the right of eminent domain and acquire any such lands, rights of way, or easements necessary for the aforesaid purpose by condemnation in the manner prescribed in Chapter 40 of the General Statutes. The provisions of G. S. 40-53 shall not apply to any proceeding had under this Act.

Sec. 4. All moneys expended by the State Legislative Building Commission, including the expenses of the Commission, shall be paid by the State Treasurer upon warrant drawn by the Chairman of the Commission, from funds appropriated by the General Assembly. The Governor and Council of State are authorized to advance to the Commission from the Contingency and Emergency Fund, and subject to repayment, such sums

as may be required to meet the expenses of the Commission prior to the availability of funds appropriated for the use of the Commission.

Sec. 5. The members of the State Legislative Building Commission shall receive for their services the same per diem and other allowances as are granted the members of State boards and commissions generally.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 58 CHAPTER 939

AN ACT AMENDING SUBSECTION (b) OF G. S. 120-3.1 RELATING TO TRAVEL ALLOWANCES FOR MEMBERS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. That the last sentence of subsection (b) of G. S. 120-3.1 be and the same is hereby rewritten to read as follows:

"Such travel allowance shall be paid, upon proper certification, only for travel expense actually incurred. This travel allowance shall be limited to a maximum of one (1) round trip each week during each regular or Special Session of the General Assembly, and shall be that established by law for members of State boards and commissions generally."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect as of February 4, 1959.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 369 CHAPTER 940

AN ACT TO AMEND G. S. 153-9 SO AS TO AUTHORIZE COUNTIES TO APPOINT A COUNTY BUILDING INSPECTOR.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9 is amended by adding a new subsection immediately following subsection 48, to be designated as subsection 49, and to read as follows:

"49. County Building Inspectors. The board of county commissioners may appoint one or more building inspectors to serve at the will of the board, whose duties shall be: To enforce the State Building Code adopted under Article 9 of Chapter 143 of the General Statutes; to enforce any county building regulations adopted under G. S. 143-138(b) or 143-138(e); to enforce any county zoning ordinance or ordinances; to collect inspection fees determined by the board of county commissioners, which the board is hereby authorized to impose, and deliver same to the county treasurer; to furnish a surety bond for the faithful performance of his duties and the

safeguarding of any public funds coming into his hands, approved as to amount, form, and solvency of sureties by the board of county commissioners; and to carry out such related duties as may be specified by the board of county commissioners.

"In lieu of appointing a separate building inspector, the board of county commissioners may designate as county building inspector: (a) a building inspector of any other county or counties, with the approval of the board of county commissioners of such other county or counties; (b) a municipal building inspector of any municipality or municipalities within the county, with the approval of the municipal governing body; (c) the county fire marshal; (d) a county electrical inspector appointed under the provisions of G. S. 160-122; (e) a county plumbing inspector appointed under the provisions of G. S. 153-9(47); or (f) any other person or persons whom they deem to be qualified.

"The board of county commissioners may pay a building inspector a fixed salary or may in lieu thereof reimburse him for his services by paying over any inspection fees which he collects. The board of county commissioners may make necessary appropriations for the special purpose of paying the salary or salaries of county building inspectors and any expenses pertaining to building inspection.

"The board of county commissioners may enter into and carry out contracts with any municipality or municipalities within the county, or with any other county or counties, under which the parties agree to support a joint building inspection department. The board of county commissioners and the municipal governing body may make any necessary appropriations for such a purpose.

"On official request of the governing body of any municipality within the county, the board of county commissioners may direct the county building inspector to exercise his powers within said municipality, and he shall thereupon be empowered to do so until such time as the municipal governing body officially withdraws its request."

Sec. 1½. Provided this Act shall not apply to Harnett, Lenoir, New Hanover and Scotland Counties.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 2(a). This Act shall not apply to Cherokee, Clay, Graham, Macon Counties.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 856 **CHAPTER 941**

AN ACT TO AMEND CHAPTER 82 OF THE GENERAL STATUTES RELATING TO WRECK DISTRICTS AND COMMISSIONERS OF WRECKS SO FAR AS THE SAME RELATES TO DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 82-1 is hereby amended by rewriting the third paragraph in its entirety to read as follows:

"Dare. The County of Dare shall constitute one wreck district, which shall extend from the Currituck County line to the Hyde County line."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 962 **CHAPTER 942**

AN ACT TO AMEND CHAPTER 152 OF THE GENERAL STATUTES AND CHAPTER 95, SESSION LAWS OF 1955, WITH RESPECT TO THE COMPENSATION OF THE FORSYTH COUNTY CORONER.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 152 of the General Statutes is hereby amended by striking out all of the provisions of G. S. 152-5 and Chapter 95, Session Laws of 1955, is hereby amended by striking out all of Section 2 thereof, and inserting in lieu thereof the following:

"Sec. 2. Authority is hereby conferred upon and vested in the Board of Commissioners of the County of Forsyth to fix and determine the fees to be charged by the Coroner of Forsyth County, or in lieu of establishing fees for the Forsyth County Coroner, the board of commissioners may compensate the Forsyth County Coroner by the payment of an annual salary in such amount as the board of commissioners may determine in its own discretion to be reasonable and adequate. When appropriate resolutions have been adopted by the Board of Commissioners of Forsyth County either fixing and establishing fees to be charged by the coroner, or in lieu thereof, establishing an annual salary to be paid to the Forsyth County Coroner, such action or actions shall have the same validity and effect as though done by legislative enactment. Should the Coroner of Forsyth County be paid an annual salary as provided for in this Act, then all fees which the Coroner of Forsyth County shall by law be entitled to collect from any one other than the county, shall be collected by him and paid into the general fund of the county.

"It shall be the duty of the Coroner of Forsyth County, if he should not be a licensed physician, where he deems it necessary to the better investigation of the cause or manner of death, to summon a qualified and practicing physician who shall be paid for his attendance and services in such amount as the board of commissioners may deem reasonable."

Sec. 2. That Section 3 of Chapter 95, Session Laws of 1955, be amended by striking out in the first sentence thereof the following words and figures: "and 152-5".

Sec. 3. This Act shall apply only to Forsyth County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 975 CHAPTER 943

AN ACT TO AMEND ARTICLE 1 OF CHAPTER 118 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE FIREMEN'S RELIEF FUND OF THE CITY OF HENDERSON.

The General Assembly of North Carolina do enact:

Section 1. G. S. 118-7 is hereby amended by adding at the end of said Section a proviso which shall read as follows:

"Provided, that the Board of Trustees of the Henderson Firemen's Relief Fund duly appointed under Section 118-6, General Statutes of North Carolina, shall be required to pay over to the Board of Trustees of the Henderson Firemen's Supplemental Retirement System on July 1st of each year all sums entrusted to said trustees in excess of the sum of five thousand dollars ($5,000.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 984 CHAPTER 944

AN ACT RELATING TO THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COMMISSIONERS OF MOORE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1, Chapter 651 of the Session Laws of 1953 is hereby amended by striking out the words and figures "Fifteen Dollars ($15.00)" in line 6 thereof and inserting in lieu thereof the words and figures "Twenty Dollars ($20.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1017 CHAPTER 945

AN ACT TO REGULATE THE PURCHASE, OWNING AND REGISTRATION OF FIREARMS IN MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. No permit to purchase or acquire a pistol, revolver or automatic pistol shall be granted by the Clerk of the Superior Court of McDowell County until an application has been filed with the sheriff of said county.

Sec. 2. Upon being granted a permit to purchase and possess a pistol, revolver or automatic pistol, as hereinbefore provided, the owner shall present said pistol, revolver or automatic pistol at the office of the Sheriff of McDowell County within ten days, at which time and place it shall be registered, noting the name of the owner, in whose possession the same will be, the address of the one in possession thereof, the make, caliber, serial number, and type of said firearm.

Sec. 3. All persons, firms or corporations who or which are residents of McDowell County have bought, purchased or acquired a pistol, revolver or automatic pistol prior to the date of this Act and now possesses the same, shall on or before the first day of January, 1960, present said pistol, revolver or automatic pistol to the Sheriff of McDowell County for registration as provided in Section 2 of this Act.

Sec. 4. Any person, firm or corporation who or which are residents of McDowell County violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction may be fined or imprisoned, at the discretion of the court, and the court, in its discretion, may confiscate any unregistered pistol, revolver or automatic pistol and order same sold or destroyed.

Sec. 5. This Act shall apply only to residents of McDowell County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1025 CHAPTER 946

AN ACT AUTHORIZING THE QUALIFIED VOTERS OF THE TOWN OF GIBSONVILLE TO VOTE UPON THE ESTABLISHMENT OF LIQUOR CONTROL STORES IN THE TOWN OF GIBSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the Town of Gibsonville shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the Town of Gibsonville, order an election to be held on the question of whether or not municipal liquor control stores may be operated in the Town of Gibsonville, and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for a liquor control store or stores to be estab-

lished and operated in the Town of Gibsonville, but if a majority of the votes cast in said election shall be against the operation of liquor control store or stores, no such store or stores shall be established or operated in the Town of Gibsonville under the provisions of this Act; provided, however, that such liquor control store or stores may be located and operated only within that part of the Town of Gibsonville situate in Guilford County.

Sec. 2. The Board of Aldermen of the Town of Gibsonville may submit the question hereinabove mentioned and call a special election for the purpose of submitting said question on or after June 2, 1959. In the event said special election is called the same shall be held and conducted on the date fixed by the Board of Aldermen of the Town of Gibsonville. A new registration of voters for such election shall not be necessary, and all qualified voters who are properly registered prior to registration for the election and those who register in said liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Stores," "Against Town Liquor Control Stores". Those favoring establishing and operating liquor stores in the Town of Gibsonville shall mark in the voting square to the left of the words, "For Town Liquor Control Stores", printed on the ballot and those opposed to town liquor control stores shall mark in the voting square to the left of the words, "Against Town Liquor Control Stores". Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to general elections for the Board of Aldermen of the Town of Gibsonville, and the cost thereof shall be paid from the General Fund of the Town of Gibsonville.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Stores", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the results thereof, close said stores and shall thereafter cease to operate the same, and within said three months the town liquor control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town clerk. Thereafter all Public, Public-Local and Private Laws applicable to the sale of intoxicating beverages within the Town of Gibsonville in force and effect prior to the authorization to operate town liquor stores shall be in full force and effect the same as if such election had not been held and until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Stores". No election shall be called and held in the Town of Gibsonville under the provisions of this Act within two years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the Town of Gibsonville to order the liquor election therein authorized within sixty (60) days after a petition signed by fifteen per cent (15%) of the registered and qualified voters of the Town of Gibsonville requesting the same has been presented and filed with the Town clerk.

Sec. 4. If the operation of town liquor control stores is authorized under the provisions of this Act, the Board of Aldermen of the Town of Gibsonville shall immediately create a Town Board of Alcoholic Control to be composed of a chairman and two other members who shall be well known for their good character, ability and business ability. Said board shall be known and designated as "The Town of Gibsonville Board of Alcoholic Control". The chairman of said board shall be designated by the Board of Aldermen of the Town of Gibsonville and shall serve for his first term a period of three years. The other two members of the Board of Alcoholic Control shall be designated by the Board of Aldermen of the Town of Gibsonville, and one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year; all terms shall begin with the date of appointment, and after the said terms shall have expired, successors in office shall serve for a period of three years. Their successors shall be named by the Board of Aldermen of the Town of Gibsonville. Any vacancy shall be filled by the board of aldermen for the unexpired term. Compensation of the members of said Town of Gibsonville Board of Alcoholic Control shall be fixed by the Board of Aldermen of the Town of Gibsonville.

Sec. 5. The said Town of Gibsonville Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes of North Carolina on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39, of the General Statutes of North Carolina. The said Town of Gibsonville Board of Alcoholic Control, and the operation of any town liquor store or stores authorized under the provisions of this Act, shall be subject to and in pursuance of the provisions of Article 3 of Chapter 18 of the General Statutes of North Carolina except to the extent to which the same may be in conflict with the provisions of this Act. In said Article 3 of Chapter 18 of the General Statutes, wherever the word "County" board of alcoholic control appears, it shall be deemed to include the Town of Gibsonville Board of Alcoholic Control. The Town of Gibsonville Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem wise and to fix their compensation. Any law enforcement officer appointed by said Town of Gibsonville Board of Alcoholic Control shall have all of the powers provided for law enforcing officers as set forth in Section 18-45(o) of the General Statutes of North Carolina.

Sec. 6. Out of profit remaining after the payment of all cost, capital expenditures and operating expenses, the Town of Gibsonville Board of Alcoholic Control shall expend a sum not less than five per cent (5%) nor more than ten per cent (10%) of such profit for law enforcement purposes and for education as to the effects of the use of alcoholic beverages. Said board shall also retain out of such profit a sufficient and proper working capital, the amount thereof to be determined by said board. Such profit as shall thereafter remain shall, at the end of each quarterly period following the establishment of liquor control store or stores, be paid out and distributed as follows:

(a) Twenty-seven per cent (27%) shall be allocated and distributed, upon the basis herein provided, to the General Funds of Guilford County and to the general funds of the municipal corporations, other than the Town of Gibsonville, located in said county, until they shall establish liquor control stores or unless they shall have established liquor control stores. The amounts distributable to said county and to each of said municipal corporations shall be determined upon the basis of population therein as shown by the latest Federal decennial census; provided, however, the population of said county shall be the entire population of said county exclusive of the population of all of the municipal corporations located therein. Upon the establishing of liquor or alcoholic beverage control store or stores by any municipality located in Guilford County, and in the event any municipal corporation therein has established and in operation alcoholic beverage control stores at the time of the establishment of alcoholic control stores in the Town of Gibsonville, other than the Town of Gibsonville, the distributive share of such profits which would be payable to such city or town during the period such stores are operated by any such city or town shall be paid by said Town of Gibsonville Board of Alcoholic Control to the Town of Gibsonville in the same manner and for the same purposes set forth in subsection (b) of this Section.

(b) Seventy-three per cent (73%) shall be allocated and distributed to the Tax Collector of the Town of Gibsonville and may be used by the Town of Gibsonville in the operation of the water and sewer system of the town, for debt service, for the general fund, or for any other public purpose.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1043 CHAPTER 947

AN ACT PROVIDING FOR NOMINATING CANDIDATES FOR OFFICE IN YANCEY COUNTY AND TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF THE STATEWIDE PRIMARY LAWS.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this Act every candidate selected as nominee for the office of Member of the House of Representatives, and all county and township offices in Yancey County shall be nominated in convention instead of by primary. Such county conventions shall be called and conducted under the Plans of Organization of the Democratic and Republican Parties of North Carolina now in effect or which may from time to time be promulgated by said political parties.

Sec. 2. That every candidate selected in convention by any political party for the office of Member of the House of Representatives, and all county and township offices, shall file with and place in the possession of the County Board of Elections, by six o'clock p. m., on the Friday preceding

the sixth Saturday before the last Saturday in May, next preceding each general election to be held in November, a notice of candidacy for such office, together with the party affiliation of such candidate.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act, including Chapter 439, Session Laws of 1955, be and the same are hereby repealed. However, it is not the intention of this Act to repeal the provisions of Chapter 442, Session Laws of 1955, relating to the nomination of candidates for the State Senate.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1053 CHAPTER 948

AN ACT TO REQUIRE THE REMOVAL OF ABANDONED BOATS OR OTHER WATERCRAFT ALONG THE SHORES OR IN THE WATERS OF THE PASQUOTANK RIVER IN CAMDEN OR PASQUOTANK COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Any person, firm or corporation who or which shall abandon any boat, barge, or other watercraft along the shores of or in the waters of the Pasquotank River or its tributaries in Camden or Pasquotank County, shall, within sixty (60) days after such abandonment, or earlier upon written notice by the sheriff of the county in which such abandonment occurs, remove or cause such watercraft to be removed from the shores and waters of said river. Failure to remove such watercraft within the time herein specified shall be prima facie evidence of a violation of this Act.

Sec. 2. Any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine or imprisonment, or both, in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1063 CHAPTER 949

AN ACT AMENDING G. S. 160-346 RELATING TO THE SALARIES OF THE MEMBERS OF THE CITY COUNCIL AND OF THE MAYOR OF THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-346, as the same appears in Volume 3C of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Provided that in the City of Fayetteville the mayor shall receive for his services such salary as the city council shall by ordinance determine, not exceeding thirty-six hundred dollars ($3600.00) a year, and he shall receive no other compensation from the city; and in the City of Fayetteville the council may, by a vote of not less than three members, taken by call of the yeas and nays, establish a salary for its members not exceeding nine hundred sixty dollars ($960.00) a year for each.

"Such salaries of said mayor and council members may be increased or decreased within the limits stated above by such ordinance and vote at any time and from time to time."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1068 CHAPTER 950

AN ACT TO AMEND CHAPTER 114 OF THE SESSION LAWS OF 1951 RELATING TO SALARIES AND OTHER ALLOWANCES OF CERTAIN OFFICIALS OF DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 114 of the Session Laws of 1951, as amended by Chapter 169 of the Session Laws of 1957, is hereby amended by rewriting Section 1 to read as follows:

"Section 1. That the salary of the chairman of the board of county commissioners and the salaries of the other four members of the board of county commissioners shall be fixed and determined by the board of county commissioners, in their discretion."

Sec. 2. Chapter 114 of the Session Laws of 1951 is hereby amended by rewriting Section 2 to read as follows:

"Sec. 2. That the County Attorney of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper, in their discretion. This salary shall be paid from the General Fund of Duplin County."

Sec. 3. Section 7 of Chapter 114 of the Session Laws of 1951 is hereby amended by rewriting the second sentence thereof to read as follows:

"The sheriff shall receive for the use of his car in the performance of his duties as sheriff a travel allowance to be set by the board of county commissioners, in its discretion."

Sec. 4. Section 9 of Chapter 114 of the Session Laws of 1951 is hereby amended by rewriting said Section to read as follows:

"Sec. 9. The first Deputy Sheriff of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper, with such mileage for the use of his car as the board of commissioners may allow."

Sec. 5. Section 10 of Chapter 114 of the Session Laws of 1951 is hereby amended by rewriting said Section as follows:

"Sec. 10. That the second Deputy Sheriff of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper, with such mileage for the use of his car as the board of commissioners may allow."

Sec. 6. Chapter 114 of the Session Laws of 1951, as amended by Chapter 40 of the Session Laws of 1957, is hereby amended by rewriting Section 10A to read as follows:

"Sec. 10A. That the third Deputy Sheriff of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper, with such mileage for the use of his car as the board of commissioners may allow."

Sec. 7. Section 11 of Chapter 114 of the Session Laws of 1951 is hereby amended to read as follows:

"Sec. 11. That the Jailer-Deputy Sheriff of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper, with such mileage for the use of his car as the board of commissioners may allow."

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1075 CHAPTER 951

AN ACT RELATING TO THE FEES TO BE CHARGED BY THE CORONER OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 152-5, as the same appears in Volume 3C of the General Statutes, is hereby amended by adding at the end thereof the following:

"Provided, that in Watauga County the coroner shall charge a fee of ten dollars ($10.00) for holding an inquest over a dead body, and if necessarily engaged more than one day the coroner shall charge a fee of ten dollars ($10.00) for each additional day."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1083 **CHAPTER 952**

AN ACT TO INCORPORATE THE TOWN OF HAVELOCK, NORTH CAROLINA, IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subject to the provisions of Section 4 of this Act, the inhabitants of the Town of Havelock, Craven County, within the boundaries hereinafter established, are hereby incorporated under the name of the Town of Havelock and same is hereby created a body politic and corporate; and shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina.

Sec. 2. The corporate limits of said town shall be as follows:

Beginning at a point which is the intersection of the center line of U. S. Highway No. 70 and the mean low-water line of the southeast shore line of the West Prong of Slocum Creek and running thence in a westerly and southwesterly direction along the said low-water line for a distance of approximately 2473 feet to the East right of way line of the Atlantic and East Carolina Railroad main line; thence along the said right of way line in two courses South 22 degrees 00 minutes East and South 32 degrees 00 minutes East, for a distance of approximately 10,970 feet to the southeast bank of the East Prong of Slocum Creek; thence along the southeast bank of the said East Prong of Slocum Creek in five courses: North 88 degrees 50 minutes East 179 feet, North 20 degrees 00 minutes East 213 feet, North 7 degrees 30 minutes East 122 feet, North 60 degrees 00 minutes East 172 feet, and North 18 degrees 15 minutes East 131 feet, (for a total of 817 feet), to an old corner iron; thence along the southwest line of the C. S. Bryan land South 28 degrees 45 minutes East 3063.49 feet to the U. S. Forestry line; thence along the established boundaries of the Havelock Sanitary District, as set forth in the petition for establishment of said Sanitary District, to wit: Thence following said line (U. S. Forestry line) South 87 degrees East 2200 feet, more or less, to a concrete monument marked corner 322 on the West side of Old Highway 70 (old N. C. 10); thence crossing Highway 70, North 64½ degrees East 550 feet; thence parallel to Highway 70 and 400 feet from its eastern boundary North 18 degrees West 2300 feet, more or less, to the southern boundary of Johnson's Trailer Park; thence following the boundaries of said trailer park in two courses North 72 degrees East 340 feet and North 18 degrees West 740 feet, more or less, to the line of the Godwin-Subdivision; thence following the lines of the Godwin Subdivision North 79 degrees East 660 feet, North 15 degrees West 256 feet; North 60½ degrees West 719 feet; North 4 degrees East 194 feet; North 19½ degrees West 224 feet; North 6 degrees West 240 feet; North 39½ degrees East 539.5 feet; and North 39½ degrees West 585 feet to Capp's Branch; thence following Capp's Branch about 300 feet to the corner of the Wynn(e) Subdivision; thence following the lines of the Wynn(e) Subdivision North 48½ degrees West 365 feet to the northern boundary of Wynn(e) Road; thence along said northern boundary North 84½ degrees West 860 feet, more or less,

to the eastern boundary of Highway 70; thence northerly along the eastern right of way of U. S. Highway No. 70, North 20 degrees 10 minutes West 342.7 feet and North 17 degrees 41 minutes West 1085.31 feet to the southeastern right of way of Roosevelt Boulevard; thence northeasterly along the said right of way North 28 degrees 24 minutes East 662.4 feet, North 28 degrees 29 minutes East 439.94 feet, and North 26 degrees 02 minutes East 446.0 feet to the projection of the northern boundary of the Commercial Center; thence across Roosevelt Boulevard North 89 degrees 00 minutes West 109.68 feet to the northeast corner of the said Commercial Center; thence along the lines of the Commercial Center North 89 degrees West 300 feet, South 24 degrees 54 minutes West 490.61 feet to the northern right of way of connecting road also called Sayvee Street; thence westerly along the said northern right of way approximately 400 feet to the eastern right of way of U. S. Highway No. 70; thence again along the boundaries of the aforementioned Havelock Sanitary District, to wit: "thence following the eastern boundary of Highway 70 in its old location to the rear corner of the property of the Ashford Oil Company; thence following the lines of the Ashford Oil Company due East 240 feet; and due North 390 feet, more or less, to the northern boundary of North Carolina 101;" thence westerly along the northern right of way of North Carolina Highway No. 101 approximately 915 feet to the mean low-water line of the West shore of the East Prong of Slocum Creek; thence northerly along the said low-water line approximately 8500 feet to the junction with the West Prong of Slocum Creek and the mean low-water line of the East shore of the said West Prong; thence southwesterly along the mean low-water line of the East shore of the said West Prong approximately 5400 feet to the point of beginning. EXCEPTING AND EXCLUDING therefrom 11.8 acres in the northern-most corner of the area and between the East Prong and the West Prong of Slocum Creek, said area having been conveyed by Slocum Village Corporation to the Board of Education of Craven County, North Carolina, by deed dated October 13, 1953, recorded January 21, 1954, in the office of the Register of Deeds of Craven County, North Carolina, in Book 498, at Page 284. ALSO EXCEPTING AND EXCLUDING therefrom the right of way of the Atlantic and East Carolina Railroad spur line which crosses the area from West to East. ALSO EXCEPTING AND EXCLUDING therefrom that area of Federally-controlled tract of land known as SLOCUM VILLAGE HOUSING PROJECT, formerly owned by the PBC Housing Corporation.

With the exception of the area known as PINE ACRES subdivision, all of the foregoing proposed boundaries for the incorporated Town of Havelock coincide with or include the established boundaries of the aforementioned Havelock Sanitary District but are not limited to the said established boundaries.

Sec. 3. The offices of said municipality shall consist of a mayor and five (5) commissioners.

Sec. 4. On the 25th day of July, 1959, the Craven County Board of Elections shall conduct an election in the area herein described as the proposed corporate limits of the Town of Havelock to determine whether

or not the area described herein shall be incorporated as a municipal corporation, and to elect the members of the governing body if said area is incorporated. The call for said election shall (a) describe the territory proposed to be incorporated; (b) provide that the question as to whether or not said area shall be incorporated shall be submitted to a vote of the qualified electors; (c) advise that a mayor and five (5) commissioners will be elected to govern the town if incorporated; (d) name the registrars and judges of election, location of polling places, time for registration, date of election and hours of voting. The registration books shall be open for registration of voters on June 27, July 4, and July 11, 1959. July 18, 1959, shall be challenge day and the election shall be held on July 25, 1959. Said call shall be published in one or more newspapers once a week for four (4) consecutive weeks prior to said election. The said Board of Elections for Craven County in conducting the election required to be held herein shall follow the procedure as outlined in this Act and the General Statutes of North Carolina relating to municipal elections where not in conflict with this Act. In the event that said area is incorporated all future elections shall be conducted in accordance with the General Statutes relating to municipal elections. All expenses attached to the holding of said election may be paid by the said Craven County Board of Elections, and the board of county commissioners are hereby directed to appropriate funds for such purpose to the Craven County Board of Elections.

Sec. 5. That at such election those voters who favor incorporating the area herein described shall vote ballots on which shall be printed the words: "For Incorporation", and those opposed shall vote ballots on which shall be printed the words: "Against Incorporation". If at such election a majority of the votes cast shall be for incorporation, then from and after the date of the declaration of the results of said election said area shall become a municipal corporation and the Charter contained in this Act shall be in full force and effect and all inhabitants of the area within the boundaries as established herein shall be and the same is hereby declared to be a body politic and corporate, and as such shall be entitled to all benefits and shall exercise such authority as prescribed by this Act, the Constitution and General Laws of the State for municipal corporations.

Sec. 6. At the time said County Board of Elections issues a call for the election to be conducted on the question as to whether or not said area shall be incorporated it shall also issue a call in the same manner for the election of a mayor and a board of five (5) commissioners, who will constitute the governing body of said municipality if at the election herein provided for a majority of the votes cast shall be for incorporation. Any qualified elector who has resided in the area to be incorporated for a period of not less than one year immediately preceding the date of the election shall be eligible to be nominated for mayor or a member of the board of commissioners by petition of any five electors of the area, who shall be designated as his sponsor. No elector shall sign more than one such petition. With each signature shall be stated the place of residence of the signer. Nomination petitions shall be filed with the County Board of

Elections for the election called for in this Act not later than fourteen (14) days prior to the date of the election. Thereafter, if such area is incorporated, such nomination petitions shall be filed with the chairman of the County Board of Elections. Said petitions shall be in the following form:

"We, the undersigned five (5) electors of the Town of Havelock, hereby name and sponsor ....., whose residence is .....for the office of ....., to be voted for at the election to be held on ..... day of ....., 19.....

"We individually certify that we are electors and that we have not signed any other nominating petition.

Name ..... Street and Number .....
Name ..... Street and Number .....
Name ..... Street and Number .....
Name ..... Street and Number .....
Name ..... Street and Number ....."

Sec. 7. That in the event that a majority of the votes in the election herein provided for shall be for incorporation, then and in that event, the officers so elected at such election shall serve for a term of two years and until their successors have been duly qualified and elected.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1122 CHAPTER 953

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ROWAN COUNTY TO LICENSE AND REGULATE ALL VEHICLES OPERATED FOR HIRE IN UNINCORPORATED CITIES AND TOWNS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Rowan County is authorized and empowered to license and regulate all vehicles operated for hire in unincorporated cities and towns in Rowan County; to require that the operator of every jitney bus or taxicab and of every other motor vehicle, other than jitney busses and taxicabs operated under the jurisdiction of the Utilities Commission of North Carolina, engaged in the business of transporting passengers for hire over the public streets of such unincorporated city or town shall furnish and keep in effect for each such jitney bus, taxicab or other such motor vehicle so operated a policy of insurance or surety bonds with sureties whose solvency shall at all times be subject to the approval of the Board of County Commissioners of Rowan County, said policy of insurance or surety bond to be in such amount as may be fixed by the Board of County Commissioners of Rowan

County, not to exceed the sum of ten thousand dollars ($10,000.00), and to be conditioned on such operator responding in damages for any liability incurred on account of any injury to persons or damage to property resulting from the operation of any such jitney bus, taxicab, or other such motor vehicle, and to be filed with the Board of County Commissioners of Rowan County as a condition precedent to the operation of any such jitney bus, taxicab or other such motor vehicle over the streets of such unincorporated city or town.

Sec. 2. This Act shall apply to Rowan County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1145 CHAPTER 954

AN ACT TO REGULATE THE COMPENSATION OF THE MEMBERS OF THE BOARD OF ALDERMEN OF THE CITY OF SANFORD.

The General Assembly of North Carolina do enact:

Section 1. On and after the 1st day of July, 1959, each member of the Board of Aldermen of the City of Sanford shall receive, as full compensation for his services, the sum of twenty-five dollars ($25.00) per month, said salaries to be paid from the general fund of the city.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1148 CHAPTER 955

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF CUMBERLAND COUNTY TO FIX THE FEES AND COMMISSIONS TO BE CHARGED BY THE CLERK OF SUPERIOR COURT, THE SHERIFF AND REGISTER OF DEEDS OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Cumberland County is authorized and empowered to fix and determine the fees and commissions to be charged and collected by the Clerk of the Superior Court, the Sheriff and the Register of Deeds of Cumberland County. This authority shall be a continuing one and may be exercised as often as the board may determine. This authority shall also include the right to change any existing fees and commissions and to fix future or additional fees and commissions.

Sec. 2. The authority conferred by Section 1 of this Act shall be in the discretion of the board of county commissioners and may be exercised by a resolution of the board duly adopted and spread upon the minutes thereof and indexed in the index book of the minutes of the board, and a copy of the resolution shall be furnished to the officer affected by the resolution.

Sec. 3. The fees and commissions presently charged in Cumberland County shall remain in force until they are changed by resolution under the provisions of this Act or by some other lawful authority.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1155 CHAPTER 956

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CURRITUCK COUNTY TO APPOINT SPECIAL COUNTY LAW ENFORCEMENT OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Currituck County is hereby authorized, in its discretion, to appoint one or more law enforcement officers from time to time to serve at the will of the board. Such law enforcement officers shall have within Currituck County the same powers of a peace officer as the sheriff, shall be authorized to execute criminal process, and shall have the same powers as the sheriff to make arrests with or without a warrant. In addition to arrest fees and fees for execution of criminal process, such special officers shall also be paid out of the general fund of the county such compensation, if any, as the board of county commissioners, in its discretion, may fix.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1156 CHAPTER 957

AN ACT FIXING THE COMPENSATION OF THE SUBRECORDER OF THE UNION COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. When the Sub-Recorder of the Union County Recorder's Court holds court in lieu of the Recorder, the compensation of the Sub-Recorder shall be computed at the rate of five dollars ($5.00) per case, but not exceeding thirty-five dollars ($35.00) for any one day he holds

court, and not exceeding three hundred fifty dollars ($350.00) per month, to be paid out of the general fund of the county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1157 CHAPTER 958

AN ACT RELATING TO FORMS AND REGISTRATIONS OF WARRANTS ISSUED BY JUSTICES OF THE PEACE IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-134.6, as the same appears in the 1957 Supplement to the General Statutes, is amended by inserting, in line 3, after the comma following the word "Guilford" and before the word "Haywood" the word "Hertford".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after October 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1158 CHAPTER 959

AN ACT TO PROVIDE FOR THE EXERCISE OF THE POWERS OF POLICE OFFICERS BEYOND THE CORPORATE LIMITS OF THE TOWN OF AHOSKIE IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The members of the Town Police of the Town of Ahoskie, in Hertford County, shall have in all that territory embraced within one mile in all directions of the present corporate limits of the said town, all the power and authority which they now exercise within the corporate limits of the said town.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1160 CHAPTER 960

AN ACT TO AMEND SECTION 7-186 OF THE GENERAL STATUTES RELATING TO ELECTION OF RECORDER OF THE MUNICIPAL RECORDER'S COURT IN THE TOWN OF GRAHAM.

The General Assembly of North Carolina do enact:

Section 1. Section 7-186 of the General Statutes is hereby amended by adding at the end thereof the following:

"That if and when a Recorder's Court for the Town of Graham is established under the provisions of this Article, some suitable person who shall be a bona fide resident of the Town of Graham, shall be elected by the City Council of the Town of Graham as Recorder of said Court, to serve for a term of two years and until his successor is appointed and qualifies, and the said City Council of the Town of Graham shall have full power and authority to select and elect the said Recorder, and each succeeding Recorder biennially thereafter. The said Recorder shall be elected by the City Council of the Town of Graham within thirty days from the creation and establishment of said Court. If a vacancy occurs in the office of Recorder at any time, the same shall be filled by the election of a successor for the unexpired term by the City Council of the Town of Graham, at a regular or special meeting called for that purpose; provided, that before entering upon the discharge of their duties hereunder, the Recorder, Vice-Recorder and the Prosecuting Attorney, who may be elected under the provisions of this Article, shall take and subscribe before some person authorized to administer oaths, the oath required of Judges and Solicitors of the Superior Court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1163 CHAPTER 961

AN ACT TO AMEND CHAPTER 465 OF THE SESSION LAWS OF 1955 RELATING TO THE SALARIES OF CERTAIN OFFICIALS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 465 of the Session Laws of 1955 is hereby rewritten to read as follows:

"Section 1. Section 1 of Chapter 1010 of the Session Laws of 1953 is hereby rewritten to read as follows:

'Section 1. Effective on July 1, 1959, the following named officials of Mecklenburg County shall receive the following salaries: The Chairman of the Board of County Commissioners, nine thousand dollars ($9,000.00) per annum; the Clerk of Superior Court, ten thousand dollars ($10,000.00) per annum; the Register of Deeds, eight thousand dollars ($8,000.00) per

annum; the Sheriff, eight thousand five hundred dollars ($8,500.00) per annum; and the Treasurer, seven thousand five hundred dollars ($7,500.00) per annum, each payable in twelve equal monthly installments.' "

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1168 CHAPTER 962

AN ACT TO AMEND CHAPTER 566, SESSION LAWS OF 1957, RELATING TO THE COMPENSATION OF THE JUDGE AND SOLICITOR OF THE RECORDER'S COURT OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The last two paragraphs of Section 1 of Chapter 556, Session Laws of 1957, are hereby amended by rewriting the same to read as follows:

"The Judge of the County Recorder's Court, four thousand two hundred dollars ($4,200.00).

"The Solicitor of the County Recorder's Court, three thousand six hundred dollars ($3,600.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1174 CHAPTER 963

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF COVE CITY, IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the Town of Cove City, in Craven County, shall be a bird sanctuary.

Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1175 CHAPTER 964

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF LAURINBURG TO CONVEY CERTAIN PROPERTY TO THE SCOTLAND COUNTY MEMORIAL LIBRARY.

WHEREAS, the City of Laurinburg owns a parcel of land consisting of .32 acres and situated in the City of Laurinburg; and

WHEREAS, such land is not now being used by the City of Laurinburg; and

WHEREAS, it is desirable that such property be used as a library for the colored citizens of Scotland County; and

WHEREAS, it is deemed that a conveyance of such property by the City of Laurinburg to the County Memorial Library for use as a colored library would work a benefit to all the citizens of the City of Laurinburg and to the citizens of Scotland County: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The City Council of the City of Laurinburg is hereby authorized and empowered to convey to the Scotland County Memorial Library for use as a colored library that portion of real estate described as follows, to wit:

A certain lot or parcel of land in Stewartsville Township, Scotland County, North Carolina, described as follows:

Situated in the City of Laurinburg, lying on the South side of the McGirt's Bridge Road, being a part of the colored cemetery property owned by the City of Laurinburg, and BEGINNING at a stake in the southern line of the McGirt's Bridge Road located South 70 degrees 23 minutes East 51 feet, measured along the southern line of the road, from the intersection of the southern line of the McGirt's Bridge Road with the northwestern line of the colored cemetery lot (as shown on a map entitled: "Town of Laurinburg, N. C., New Cemetery for Colored People", made by W. E. Matthews, Engineer, dated January 31, 1926), and runs thence with the McGirt's Bridge Road South 70 degrees 23 minutes East 237.4 feet to a corner in the southern line of the road; thence South 65 degrees 41 minutes West 170.9 feet to a stake, the southern corner of Lot No. 9 in Block E of the colored cemetery; thence North 24 degrees 19 minutes West 164.7 feet to the BEGINNING, containing 32/100th acre, more or less.

The lot of land above described is composed of all of Block E and a strip of land, 20 feet in width, lying between Block E and McGirt's Bridge Road, as shown on the plat of the colored cemetery made by W. E. Matthews, Engineer, dated January 31, 1926.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1176 CHAPTER 965

AN ACT TO AMEND G. S. 7-70 AS THE SAME RELATES TO PERSON COUNTY, SO AS TO DESIGNATE THE MAY TERM OF SUPERIOR COURT IN PERSON COUNTY AS A CIVIL TERM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-70, as the same appears in the 1957 Cumulative Supplement to Volume 1B, is hereby amended as follows:

(1) By inserting between the word "March" and the semicolon in line 3 of the paragraph relating to Person County (the same being the second paragraph on page 38 of the Cumulative Supplement) the following words: "for the trial of civil cases only".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1177 CHAPTER 966

AN ACT TO ESTABLISH AND FIX THE SALARIES OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS OF THE TOWN OF MOCKSVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the Mayor of the Town of Mocksville shall receive for his services the sum of six hundred dollars ($600.00) per year and each member of the board of commissioners of said town shall receive for his services a salary of two hundred dollars ($200.00) per year, said salaries to be paid in equal semiannual installments from the general fund of the municipality.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1178 CHAPTER 967

AN ACT TO TRANSFER CERTAIN DELINQUENT TAXES IN MONTGOMERY COUNTY TO THE GENERAL FUND.

The General Assembly of North Carolina do enact:

Section 1. Subsection 42 of G. S. 153-9, as the same appears in the 1957 Supplement to the General Statutes, is amended by adding at the end thereof the following:

"All delinquent taxes due Montgomery County which have been due and payable for one or more years shall, when collected, and on the date of said collection, together with the penalties and costs accrued, be paid into the general fund of Montgomery County."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1182 CHAPTER 968

AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of County Commissioners of Cumberland County shall receive as compensation the sum of one hundred dollars ($100.00) per month for the discharge of his official duties as chairman of said board.

Sec. 2. Each member of the Board of County Commissioners of Cumberland County shall receive as compensation the sum of seventy-five dollars ($75.00) per month for the discharge of his official duties as a member of said board of commissioners.

Sec. 3. The Board of County Commissioners of Cumberland County may, in its discretion, decrease the amount of compensation to be received by the chairman and members of the board of commissioners under the provisions of this Act upon a majority vote of the members of the board of county commissioners.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1193 CHAPTER 969

AN ACT AMENDING CHAPTER 1288, SESSION LAWS OF 1955 AND FIXING THE SALARIES OF THE JUDGE AND SOLICITOR OF THE POLICE COURT OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 1288, Session Laws of 1955, which amends Section 1 of Chapter 1027, Session Laws of 1949, be and the same is hereby further amended by striking out the words and figures "six thousand dollars ($6,000.00)" appearing in line 4 of said Section and inserting in lieu thereof the words and figures "seventy-five hundred dollars ($7500.00)".

Sec. 2. That Section 2 of Chapter 1288, Session Laws of 1955, which amends Section 2, Chapter 1027, Session Laws of 1949, be and the same is hereby further amended by striking out the words and figures "forty-two hundred dollars ($4200.00)" appearing in line 4 of said Section and inserting in lieu thereof the words and figures "forty-eight hundred dollars ($4800.00)".

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1196 CHAPTER 970

AN ACT TO AMEND CHAPTER 404 OF THE SESSION LAWS OF NORTH CAROLINA 1955 AMENDING THE CHARTER OF THE TOWN OF BEAUFORT RELATING TO THE FIRST MEETING OF THE BOARD OF COMMISSIONERS FOLLOWING THEIR ELECTION.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 404 of the Session Laws of North Carolina 1955 is hereby amended by striking out the words "Said Commissioners shall convene on the first Monday in July after their election" as they appear in line four and five of said Section and substituting in lieu thereof the following:

"Following the regular municipal election to be held in May 1961 and following each regular municipal election held thereafter, the board of commissioners shall convene on the Monday next following the certification of the results of the election."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1200 **CHAPTER 971**

AN ACT TO DIRECT THE DISPOSITION OF DELINQUENT TAXES COLLECTED IN BEHALF OF CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 149 of the Public Laws of 1953 (House Bill 241) relative to disposition of delinquent taxes collected in behalf of Chowan County is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1201 **CHAPTER 972**

AN ACT TO AMEND CHAPTER 7 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO FEES OF JUSTICES OF THE PEACE IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-134 is hereby amended by adding at the end of said Section the following:

"In criminal cases where a justice of the peace has final jurisdiction, he shall charge and tax as part of the costs the sum of five dollars ($5.00) as his fee in said case; the said fee of five dollars ($5.00) shall be in lieu of any other fee heretofore charged and collected by a justice of the peace as his fee in a criminal action where the said justice has final jurisdiction. In all cases where warrants are issued by a justice of the peace, and the case is transferred to the recorder's court, the Superior Court, or any trial court for final adjudication, or determination, including appeals from a justice of the peace in criminal cases where he has final jurisdiction, the said justice shall receive the sum of five dollars ($5.00) as his fee and the same shall be taxed as a part of the costs by the clerk of the recorder's court, the Superior Court or other trial court; the said fee of five dollars ($5.00) shall be paid to the said justice of the peace by the clerk of the recorder's court, the Superior Court or other trial court. The clerk of the recorder's court, the Superior Court, or other trial court, or other officer whose responsibility it shall be to collect costs shall pay over to the said justice of the peace his lawful fees as provided by this Act, from such costs so collected by said clerk or other officer."

Sec. 2. In all civil cases there shall be paid as assessed costs to the justices of the peace, at the time of the institution of the action, the sum of three dollars ($3.00) which shall include any of the following: Issuing summons, subpoenas, granting continuance, order of removal, trial whether by jury or justice of the peace, entering judgment, transcript of judgment, issuing execution. For issuing claim and delivery or warrant of attach-

ment, the sum of five dollars ($5.00). For making return on appeal, the sum of one dollar ($1.00). The above fees shall be paid to the justice of the peace at the time of the institution of the action.

Sec. 3. Hearing petition for widow's year's allowance, issuing notices to commissioners, allotting widow's allowance and making returns, the sum of seven dollars and fifty cents ($7.50).

Sec. 4. This Act shall apply to Chowan County only.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1205 CHAPTER 973

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE ELIZABETH CITY CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. All members of the Board of Education of Elizabeth City shall receive as compensation for their services the sum of fifteen dollars ($15.00) per day for each day necessarily engaged in carrying out the duties of their office and in addition thereto shall receive the sum of seven cents ($.07) per mile for travel necessarily incurred in performing the duties of their office. In addition to the foregoing, the Chairman of the Board of Education of Elizabeth City shall receive as compensation for his services the sum of one hundred fifty dollars ($150.00) per year.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1211 CHAPTER 974

AN ACT TO AMEND HOUSE BILL NO. 71, RATIFIED THE 26TH OF MARCH, 1959, RELATING TO THE FEES OF JURORS IN SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The caption to House Bill No. 71, ratified the 26th of March, 1959, is amended by striking therefrom the figure "1939" and inserting in lieu thereof the figure "1949".

Sec. 2. Section 1 of House Bill No. 71, ratified the 26th of March, 1959, is amended by striking out in line two the figure "1939" and inserting in lieu thereof the figure "1949".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1213 CHAPTER 975

AN ACT TO AMEND CHAPTER 1207 OF THE SESSION LAWS OF 1957 RELATING TO THE OPERATION OF JUKE BOXES IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1207 of the Session Laws of 1957 is amended by adding a new Section immediately following Section 2 to be designated as Section 2.1 and to read as follows:

"Sec. 2.1. This Act shall not apply to the operation of juke boxes in Grade 'A' and Grade 'B' cafes and restaurants as graded by the State Board of Health."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1214 CHAPTER 976

AN ACT RELATING TO COMPENSATION OF ELECTIVE AND APPOINTIVE OFFICIALS OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Northampton County is authorized, in its discretion, to increase not to exceed ten per cent (10%) the compensation of all elective and appointive officers of said county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1215 **CHAPTER 977**

AN ACT MODIFYING G. S. 115-90 AND OTHER PROVISIONS OF LAW SO AS TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF MOORE COUNTY TO ELECT A VICE-CHAIRMAN OF THE BOARD AND PERMIT THE VICE-CHAIRMAN TO SIGN WARRANTS OR VOUCHERS IN LIEU OF THE CHAIRMAN OF SAID BOARD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-26 is hereby amended by striking out the period at the end of the Section, inserting a colon in lieu thereof, and adding the following words: "Provided, however, that in Moore County there shall also be elected by the Moore County Board of Education a vice-chairman of said board who shall serve at the will of the board."

Sec. 2. Notwithstanding any provisions of G. S. 115-90 or any other provision of law requiring warrants or vouchers to be signed by the Chairman of a County Board of Education, the Vice-Chairman of the County Board of Education of Moore County may sign warrants and vouchers in lieu of, and with the same effect as, the Chairman of the County Board of Education of Moore County on the conditions and to the extent that the Board of Education of Moore County may so authorize.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1216 **CHAPTER 978**

AN ACT TO AMEND CHAPTER 1040 OF THE SESSION LAWS OF 1945 TO MAKE THE PROVISIONS THEREOF APPLICABLE TO WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2½ of Chapter 1040 of the Session Laws of 1945 is hereby amended by deleting from said Section the words appearing in lines 1 and 2 thereof as follows:

"That Wake County shall be exempted from the provisions of this Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1218 **CHAPTER 979**

AN ACT AMENDING CHAPTER 655, SESSION LAWS OF 1951, AS AMENDED, RELATING TO THE COMMISSIONS OF THE SHERIFF OF HYDE COUNTY AS TAX COLLECTOR.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 655, Session Laws of 1951, as amended by Section 1 of Chapter 98, Session Laws of 1953, be and the same is hereby further amended by adding at the end thereof the following:

"That the Sheriff of Hyde County as ex officio tax collector of said county, shall receive the same commissions on advance payments of taxes to the county accountant as if the same had been collected by the sheriff, after the current tax books have been certified for collection as provided by law."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1222 **CHAPTER 980**

AN ACT TO REPEAL CHAPTER 747 OF THE SESSION LAWS OF 1945, TO PROVIDE FOR THE APPOINTMENT OF THE ANSON COUNTY JAILER, AND TO MAKE PROVISION FOR THE OPERATION OF THE ANSON COUNTY JAIL.

The General Assembly of North Carolina do enact:

Section 1. Chapter 747 of the Session Laws of 1945, and all Acts amendatory thereto, are hereby repealed.

Sec. 2. The Sheriff of Anson County is hereby designated as the keeper of the Anson County jail and he shall make all necessary rules and regulations concerning the operation thereof. He is authorized to appoint a jailer and an assistant jailer by and with the consent of the Board of County Commissioners of Anson County who shall fix the salary of the said jailer and his assistant, if any. The salary fixed for the jailer and his assistant, if any, shall constitute the sole compensation for the offices of jailer and assistant jailer, and all fees accruing by virtue of the operation of the jail and otherwise payable to the keeper thereof, shall accrue and be paid into the general fund of the county.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1224 CHAPTER 981

AN ACT TO AMEND G. S. 153-9 SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LENOIR COUNTY TO APPROPRIATE FUNDS TO ASSIST THE VOLUNTEER FIRE DEPARTMENT IN THE WHEAT SWAMP COMMUNITY OF LENOIR COUNTY, IF AND WHEN THE SAME IS ORGANIZED.

The General Assembly of North Carolina do enact:

Section 1. Numbered paragraph 39 of G. S. 153-9 is hereby amended by adding at the end thereof the following new sentences:

"Provided that in order to provide better fire protection to rural sections of Lenoir County, the Board of Commissioners of Lenoir County is hereby authorized to appropriate out of the General Fund of Lenoir County a sum of money not to exceed five thousand dollars ($5,000.00) to equally match private funds raised for the purpose of assisting a duly organized and chartered volunteer fire department in the Wheat Swamp Community, if and when the same is organized. In addition, if a volunteer fire department is organized and chartered in the Wheat Swamp Community, the Board of Commissioners of Lenoir County is hereby authorized to appropriate out of the general fund of said county to such volunteer fire department to be organized in the Wheat Swamp Community, the sum of one hundred dollars ($100.00) per month, commencing when and if the board of county commissioners finds that the said volunteer fire department is functioning and rendering satisfactory fire protection to areas of the county served by it; and in cooperation with other fire departments, is rendering satisfactory fire protection to the entire county. The continuation of the assistance provided in the preceding sentence shall be conditioned upon the said fire department continuing to function and render satisfactory fire protection in the areas of the county served by it, and in cooperation with other fire departments rendering satisfactory fire protection to the entire county."

Sec. 2. This Act shall apply only to Lenoir County and shall become invalid after November 30, 1963.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1225 CHAPTER 982

AN ACT TO AMEND G. S. 152-5 RELATING TO THE FEES OF CORONERS IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 152-5 is amended by adding at the end thereof the following:

"The fee for the Coroner of Polk County for holding an inquest over a dead body shall be ten dollars ($10.00) per day for each day necessarily engaged in holding an inquest."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1229 CHAPTER 983

AN ACT VALIDATING AND CONFIRMING ALL ACTIONS OR PROCEEDINGS TAKEN BY ANY CITY OR TOWN IN THE PASSAGE OF AN ORDINANCE AUTHORIZING BONDS AND IN PROVIDING FOR THE SUBMISSION OF THE ISSUANCE THEREOF TO THE VOTERS ON THE DATE OF THE 1959 MUNICIPAL ELECTION AND THE HOLDING OF SUCH BOND ELECTION, NOTWITHSTANDING THE FAILURE OF ANY SUCH CITY OR TOWN TO COMPLY WITH THE PROVISIONS OF SECTION 159-7 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. All actions or proceedings taken by any city or town in the passage of an ordinance authorizing bonds of such city or town and in providing for the submission of such ordinance to the voters at an election to be held on the same date as the regular 1959 municipal election in such city or town and the holding of any such bond election are hereby in all respects legalized, ratified, approved, validated and confirmed, notwithstanding that the application of such city or town for approval of the proposed bonds shall have been filed with the Local Government Commission less than forty days prior to such election as required by Section 159-7 of the General Statutes of North Carolina, and such bond election shall not be rendered invalid by any such failure to comply with the requirements of said Section 159-7, provided such application shall have been filed not later than thirty days (Sundays and holidays included) prior to such election.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1270 **CHAPTER 984**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY TO TURN INTO THE GENERAL FUND CERTAIN DELINQUENT TAXES UPON THE COLLECTION OF THE SAME.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Clay County is hereby authorized and empowered, in its discretion, to turn into the general fund of the county the proceeds of all uncollected taxes which may be hereafter collected for the year 1954 and all prior years.

Sec. 2. All delinquent taxes for the year 1955 and for each subsequent year, after having been delinquent for a period of four years from and after their due date, shall, when collected, be turned into the General Fund of Clay County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

H. B. 1303 **CHAPTER 985**

AN ACT REWRITING SECTION 12 OF CHAPTER 239, PUBLIC-LOCAL LAWS OF 1939, RELATING TO THE DUTIES OF THE JURY COMMISSION FOR BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 12 of Chapter 239, Public-Local Laws of 1939 as amended by Section 2 of Chapter 261, Public-Local Laws of 1941, be and the same is hereby rewritten to read as follows:

"Sec. 12. That on the second Monday in December, 1959, and biennially thereafter, said jury list shall be revised by said jury commission; said names shall be selected from the names of the taxpayers, as taken from the tax books of the current year, and the same rules as are herein provided for the preparation of the first list going into said box shall govern the revising of said jury list."

Sec. 2. That the time for the revision of said jury list be and the same is hereby extended from the first Monday in May, 1959, to the second Monday in December, 1959.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1959.

S. B. 223 **CHAPTER 986**

AN ACT TO AMEND G. S. 130-57 RELATING TO THE PERFORMANCE OF NOTARIAL ACTS BY REGISTERS OF DEEDS.

The General Assembly of North Carolina do enact:

Section 1. The first sentence of Section 130-57, as the same appears in the 1958 Replacement Volume 3B of the General Statutes, be and the same is hereby rewritten to read as follows:

"The register of deeds is hereby authorized to take acknowledgements, administer oaths and affirmations, and to perform all other notarial acts necessary for the registration or issuance of certificates relating to births, deaths or marriages."

Sec. 2. That the second paragraph of Section 130-57, as the same appears in the 1958 Replacement Volume of 3B of the General Statutes, be and the same is hereby rewritten to read as follows:

"All acknowledgements taken, affirmations or oaths administered, or other notarial acts performed by the register of deeds relating to the registration of certificates of births, deaths or marriages, prior to the ratification of this Act are hereby validated and in all respects confirmed."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 333 **CHAPTER 987**

AN ACT TO AMEND G. S. 66-9 TO CLARIFY THE AUTHORITY OF THE UTILITIES COMMISSION WITH RESPECT TO THE READING OF GAS AND ELECTRIC METERS AND THE RENDERING OF BILLS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 66-9, as the same appears in Volume 2B of the General Statutes, is hereby amended by changing the period at the end of the first paragraph to a semicolon and by adding to this paragraph the following:

"Provided, however, that nothing herein contained shall be construed to prohibit any gas or electric company from adopting any method of and times of reading meters and rendering bills that may be approved by the North Carolina Utilities Commission."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 342 **CHAPTER 988**

AN ACT AMENDING G. S. 113-257 RELATING TO COMMERCIAL TROUT FISHING PONDS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 113-257 be, and the same is, hereby amended by removing the period at the end thereof and substituting therefor a colon and adding the following:

"Provided that the North Carolina Wildlife Resources Commission is hereby authorized by appropriate rules and regulations to license the operation of commercial trout fishing ponds and to revoke such licenses for cause. 'Commercial Trout Fishing Pond' is defined as an artificial impoundment of three acres or less lying on private land and not on a natural stream, but which may be supplied from such stream by the diversion and storage of water through screened and regulated supply lines, which pond shall be stocked exclusively with hatchery-reared mountain trout obtained from a privately-owned hatchery for the purpose of commercial angling. For each calendar year or part thereof which any licensee operates, said licensee shall pay to the wildlife Resources Commission an annual license fee of twenty-five dollars ($25.00) for each pond, and such annual license shall be issued only upon the payment of said twenty-five dollars ($25.00)."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 350 **CHAPTER 989**

AN ACT TO AUTHORIZE CITIES AND COUNTIES TO EXPEND FUNDS FOR RESCUE SQUAD EQUIPMENT AND PERSONNEL.

The General Assembly of North Carolina do enact:

Section 1. The governing body of any county or incorporated city or town is hereby authorized to expend, in its discretion, either singularly or jointly, such funds as may be reasonably necessary to purchase and maintain rescue equipment and to finance the operation of a rescue squad or team in order to furnish assistance, either within or outside the boundaries of such county or such city or town respectively, in case of accident or other casualty or when circumstances reasonably require the services of a rescue squad or team.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and affer its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 360 **CHAPTER 990**

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES RELATING TO BRAKES ON MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 20-124 be and the same is hereby amended by striking out the word "hand" appearing in line 3 of subsection (b) thereof and by inserting in lieu therefor the word "parking".

Sec. 2. That G. S. 20-124 be further amended by striking out subsection (c) thereof in its entirety and by substituting in lieu therefor new subsections (c) and (d) as follows:

"(c) Every motor vehicle other than a motorcycle or motor-driven cycle when operated on a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels."

"(d) Every motorcycle and every motordriven cycle when operated upon a highway shall be equipped with at least one brake which may be operated by hand or foot".

Sec. 3. That G. S. 20-124 be and the same is hereby further amended by relettering the present subsections (d), (e), (f), and (g) with the letters (e), (f), (g), and (h), respectively.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 367 **CHAPTER 991**

AN ACT TO AMEND ARTICLE 16 OF SUBCHAPTER IV OF CHAPTER 54 OF THE GENERAL STATUTES ENTITLED "CO-OPERATIVE ORGANIZATIONS" TO PERMIT THE ESTABLISHMENT OF CO-OPERATIVE APARTMENT HOUSING ASSOCIATIONS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Article 16 of subchapter IV of Chapter 54 of the General Statutes is hereby amended by:

(1) Inserting in G. S. 54-111, as the same is found in the 1957 Cumulative Supplement, following the word "housing", in line three thereof, the words "(including apartment housing)";

(2) Changing the semicolon near the end of line eleven of G. S. 54-111, as the same is found in the 1957 Cumulative Supplement to the General Statutes, to a period and striking out all the rest of the Section;

(3) Striking out G. S. 54-111.1 in its entirety;

(4) Adding a new subdivision (13) to G. S. 54-116 to read as follows:

"(13) In the case of apartment housing, regulations governing the rental of apartments."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 422 CHAPTER 992

AN ACT RELATING TO THE SALARIES OF CERTAIN OFFICIALS OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 195 of the Session Laws of 1951 is amended by striking out in line two the figure "$600.00" and inserting in lieu thereof the figure "$1,080.00".

Sec. 2. Section 2 of Chapter 778 of the Session Laws of 1955 is amended by striking out in line three the figure "$5500.00" and inserting in lieu thereof the figure "$6,000.00".

Sec. 3. Section 3 of Chapter 778 of the Session Laws of 1955 is amended by striking out in line three the figure "$3300.00" and inserting in lieu thereof the figure "$3930.00".

Sec. 4. Section 5 of Chapter 778 of the Session Laws of 1955 is amended by striking out in line five the figure "$528.00" and inserting in lieu thereof the figure "$780.00".

Sec. 5. Section 8, Session Laws of 1955, is amended by striking out in line eight the words and figures "two hundred fifty dollars ($250.00)" and inserting in lieu thereof the words and figures "two hundred seventy dollars ($270.00)".

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 430 **CHAPTER 993**

AN ACT AUTHORIZING THE CREATION OF THE EAST CAROLINA AIRPORT AUTHORITY AS AN AGENCY OR INSTRUMENTALITY OF PARTICIPATING COUNTIES INCLUDING GREENE, LENOIR, PITT, WILSON, MARTIN AND WASHINGTON COUNTIES, AND ANY PARTICIPATING MUNICIPALITY, AND AUTHORIZING SUCH AUTHORITY TO ESTABLISH, OWN, MAINTAIN AND OPERATE AN AIRPORT AT THE EXPENSE OF SAID COUNTIES AND SAID MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a body corporate and politic to be known as the "East Carolina Airport Authority", hereinafter referred to as the Authority or said Authority. Said Authority shall be a political subdivision for all the purposes of Chapter 63 of the General Statutes and shall have all the powers conferred upon political subdivisions by such Chapter. Said Authority shall consist of the members appointed from time to time as hereinafter provided and the powers of the Authority shall be vested in such members.

Sec. 2. It is hereby determined and declared that the creation of said Authority and the establishment and maintenance of the airport, landing field and other facilities described in Section 8 of this Act will be of benefit to all participating counties and municipalities. Said Authority, in exercising the powers conferred by this Act, shall constitute and shall be deemed to be an agency or instrumentality of each of the participating counties and municipalities.

Sec. 3. The governing body of any county in this State, including but not limited to Greene, Lenoir, Pitt, Wilson, Martin and Washington Counties, and/or the governing body of any municipality may become a participating member of the Authority by adopting an appropriate resolution to such effect and by appointing a representative to said Authority. Each participating member shall contribute to the support of said Authority by appropriating its share of the funds as determined by a formula adopted by the Authority after said representatives have been appointed. The governing body of each participating county and each participating municipality shall appoint one member of said Authority. The members first appointed shall serve for a term expiring on December 31, 1960, or until their successors have been appointed and qualified. Thereafter, each governing body participating as a member, from time to time, shall appoint a representative to serve on said Authority for a term of two years, and shall also appoint a representative to fill any vacancy as provided below. A member appointed to fill a vacancy shall serve for the unexpired portion of the term for which he is appointed. Each member so appointed shall hold office until his successor has been appointed and has qualified. It shall be the duty of each such governing body to make such original appointments within thirty days after adoption of its resolution to become a participating member, and to fill any vacancy not later than sixty days

after such vacancy shall occur. A failure to make any appointment or fill any vacancy within the prescribed period of time shall not, however, affect the validity of any appointment made.

Sec. 4. Said Authority may, from time to time, make an estimate of the amount of money required for any one or more of the purposes stated in Section 8 of this Act and prepare and deliver to the governing bodies of each of said counties and municipalities a certificate stating the amount of money required and the purpose or purposes to be financed from such monies and the portions of such amount, in accordance with a formula decided upon by the Authority, to be contributed by each of said counties and municipalities.

Sec. 5. The governing body of each of said participating counties and municipalities is hereby authorized to appropriate and pay to the Authority its share of the monies required for any of the purposes described in Section 8 of this Act, as stated in any certificate delivered to such governing body pursuant to Section 4 of this Act, from any funds derived by it from the sale of any land now or heretofore or hereafter owned and used for landing field purposes, or from funds derived from any source other than ad valorem taxes, or from funds raised by the issuance of bonds pursuant to Section 6 of this Act: Provided, however, nothing herein contained shall be construed to permit the governing body of any county or municipality to issue bonds under the provisions of this Act without approval by a vote of the people.

Sec. 6. Each of said participating counties and municipalities is hereby authorized to issue its bonds to pay its share, determined as provided in this Act, of the cost of acquiring lands for any airport or landing field to be acquired, constructed, maintained or operated by the Authority, and of grading of such lands, and constructing drainage facilities suitable therefor, and of constructing or reconstructing or enlarging buildings or acquiring and installing equipment or making other improvements necessary or suitable for the maintenance or operation of any such airport, landing field, or airport facilities. Such bonds if issued by a county shall be issued pursuant to and within the limitations prescribed by Article 9 of Chapter 153 of the General Statutes, constituting the County Finance Act, and such bonds, if issued by a municipality, shall be issued pursuant to and within the limitations prescribed by subchapter III of Chapter 160 of the General Statutes, constituting the Municipal Finance Act. Each of said purposes is hereby determined to be a special purpose within the meaning of Section 6 of Article V of the Constitution of North Carolina and the special approval of the General Assembly is hereby given to the issuance of bonds by any of said participating counties or municipalities for any of such purposes and for the levy of property taxes for the payment of such bonds and the interest thereon.

Sec. 7. "Airport" or "landing field", for the purposes of this Act, is defined as any plot of land or water formally set aside and designated as a place where aircraft may land or take off, including, but not by way of limitation, all airport and airport terminal facilities which are reasonably necessary.

Sec. 8. The Authority is hereby authorized to acquire, establish, control, own, sell, construct, lease, equip, improve, maintain, operate, and regulate airport property, and to make reasonable rules and regulations for the operation of an airport, landing field and all facilities connected therewith within the territorial limits of one or more of the participating counties: Provided, that neither the said Authority nor the individual members thereof shall have authority to pledge the credit of any of said municipalities or counties.

Sec. 9. Private property and land needed by the Authority for an airport, landing field or adjoining grounds may be acquired by gift, devise or purchase, if the authority is able to agree with the owners on the terms thereof, and the Authority shall also have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public purpose as provided by Section 63-5 and 63-6 of the General Statutes of North Carolina and in addition thereto, shall have all of the powers conferred upon governing bodies of municipalities by Chapter 63 of the General Statutes of North Carolina. The purchase price or award for property acquired for airport, landing field or adjoining grounds may be paid for by appropriation of monies available therefor, or by the application of any funds derived by either of said counties or by either of said municipalities, from federal funds, or any other available source.

Sec. 10. All lands acquired, owned, controlled or occupied by the Authority for the purposes enumerated in this Act shall and are hereby declared to be acquired, owned, controlled and occupied for a public purpose.

Sec. 11. The Authority shall have the authority to adopt reasonable rules and regulations for the safety zoning of the airport and landing field, including the power to regulate the height of buildings, towers, trees and other obstructions within a reasonable radius thereof in accordance with the rules and regulations of the Civil Aeronautics Board, the Federal Aviation Agency, or other successor federal agency. It shall also have the authority to adopt reasonable rules and regulations in accordance with the Model Airport Zoning Act as set out in Sections 63-29 through 63-37 of the General Statutes of North Carolina, and shall have the authority to enjoin and restrain any violation of said rules and regulations.

Sec. 12. Title to the property acquired by the Authority for airport or landing field purposes is to be vested in said Authority, but, in the event of liquidation or dissolution of the project and Authority, any proceeds derived from the liquidation or sale of the property so owned shall revert to the governing units in the proportion of their contributions.

Sec. 13. The Authority shall have complete authority over any airport, landing field, or adjoining grounds acquired under the provisions of and for the purposes set out in this Act. The Authority shall have the right, and is hereby empowered, to spend such funds as are appropriated and contributed from time to time by the counties and municipalities named herein jointly or severally for joint airport purposes and is empowered to enter into contracts and to pledge the credit of the Authority to the extent of the monies appropriated and contributed by the said municipalities and counties for the purposes enumerated herein. Said Authority is also em-

powered to spend or use funds and revenue derived from the operation of the airport and all facilities connected therewith. The Authority shall have authority to deal and contract with the Civil Aeronautics Board, the Federal Aviation Agency or any successor federal agency, of the United States Government and any other representative or agency of the United States Government relative to the acquiring, grading, constructing, equipping, improving, maintaining and operation of an airport or landing field established or acquired under the authority of this Act. The Authority is authorized to employ such persons as it may deem necessary.

Sec. 14. A majority of the governing body of said Authority shall control its decisions. Each member of said Authority, including the chairman, shall have one vote, and in the event of a tie, the chairman shall cast the deciding vote in addition to his regular one. At the first meeting of said Authority, and annually thereafter, it shall elect from its members a chairman, treasurer, who shall be bonded, and a secretary. The Authority shall be empowered to appoint a general counsel and also to retain and employ attorneys at a reasonable fee for any and all legal services performed. The said Authority shall meet at such places and times as the chairman shall designate.

Sec. 15. Members of the governing body of the Authority who are not full-time officials or full-time members of the governing body of either of the municipalities or counties shall be paid a per diem to be fixed by the Authority for each day served in attending the meetings of said Authority, and in addition thereto shall be reimbursed for travel expenses at the same rate per mile allowed by the State to State employees when such members use their personally-owned automobile, and each member shall be reimbursed for actual necessary expenses incurred in attending the meetings, and the governing body of the said Authority is hereby authorized and empowered in its discretion to fix a reasonable salary for the secretary of said Authority whether or not said secretary is an official or full-time employee of said municipalities or counties.

Sec. 16. A member of the Authority shall not be considered a public officer, or as holding office within the meaning of Article XIV, Section 7, of the Constitution of North Carolina; and any public officer of any of the said municipalities or counties who may be appointed as a member of the Authority shall serve as such as a part of his duties as a public officer of said municipality or county. To this end, the governing body of a participating county or municipality may impose such additional duties on an officer or employee of the county or municipality.

Sec. 17. This Act shall apply only to such counties and municipalities as may elect to participate in said Authority as provided in Section 3 of this Act: Provided, the provisions of this Act shall not apply to, or be interpreted as applying to Beaufort, Edgecombe, Nash and Wayne Counties.

Sec. 18. The Authority is hereby declared to be a municipal corporation exempt from taxation.

Sec. 19. Chapter 804 of the 1953 Session Laws and all laws and clauses of laws in conflict with this Act are hereby repealed, and if any Section hereof be decided by any court to be invalid or unconstitutional, the same

shall not affect the validity of this Act as a whole or any part hereof other than the part decided to be unconstitutional or invalid.

Sec. 20. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 433 CHAPTER 994

AN ACT AMENDING SECTION 130-141 OF THE GENERAL STATUTES EMPOWERING BOARDS OF COUNTY COMMISSIONERS, UPON AGREEMENT WITH SANITARY DISTRICT BOARDS, TO INCLUDE IN SANITARY DISTRICT TAX LEVIES AN AMOUNT FOR EXPENSES OF LEVYING AND COLLECTING SUCH TAXES.

The General Assembly of North Carolina do enact:

Section 1. That the second paragraph of Section 130-141, 1958 Replacement of Volume 3B of the General Statutes is hereby amended by inserting the following after the period and before the words "The officer" in line 10 of said paragraph:

"Such levy may include an amount for reimbursing the county for expenses of levying and collecting said taxes, which amount shall be based upon such percentage of the collections of said taxes, not exceeding five per centum (5%) thereof, as may be agreed upon by the sanitary district board and the board of county commissioners, to be deducted from the collections and stated with each remittance to the sanitary district board, and such percentage of collections shall remain the same until revised or abolished by further agreement between said boards."

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 444 CHAPTER 995

AN ACT TO AMEND CHAPTER 223, PUBLIC-LOCAL LAWS OF 1937, RELATING TO THE COMPENSATION OF THE MEMBERS OF THE BOARD OF EDUCATION OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 223, Public-Local Laws of 1937, is hereby amended by striking out the words and figures "twenty-five ($25.00)" immediately following the word "of" and immediately preceding the word "dollars", in line 3 of said Section, and substituting in lieu thereof the word and figures "fifty ($50.00)".

Sec. 2. Section 2 of Chapter 223, Public-Local Laws of 1937, is hereby amended by striking out the word and figures "ten ($10.00)" immediately

following the word "of" and immediately preceding the word "dollars", in line 4 of said Section, and substituting in lieu thereof the word and figures "twenty ($20.00)".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 445 CHAPTER 996

AN ACT TO AMEND CHAPTER 756 OF THE SESSION LAWS OF 1957 RELATING TO THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 756 of the Session Laws of 1957 is amended by striking out in line 4 the figure "$100.00" and substituting in lieu thereof the figure "$125.00".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 447 CHAPTER 997

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MOORE COUNTY TO FIX THE SALARY OF THE REGISTER OF DEEDS AND TO FIX THE FEES TO BE CHARGED BY THE REGISTER OF DEEDS AND THE COMPENSATION TO BE RECEIVED BY JURORS IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Moore County is authorized to fix the salary of the Register of Deeds of Moore County in the amount of not less than thirty-six hundred dollars ($3600.00), nor more than five thousand dollars ($5,000.00) per annum, payable in twelve equal monthly intallments.

Sec. 2. Fees to be charged and collected by the Register of Deeds of Moore County for issuing certified copies of certain documents recorded in the Register of Deeds' office shall be as follows:

(1) Certified copy of birth certificate $1.00
(2) Certified copy of marriage certificate $1.00
(3) Certified copy of death certificate $1.00

Sec. 3. G. S. 9-5, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding at the end of the first paragraph thereof the following:

"Provided, that in Moore County, all jurors summoned for service in the Superior Court shall receive for their services the sum of seven dollars and fifty cents ($7.50) per day."

Sec. 4. This Act shall apply only to Moore County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 482 CHAPTER 998

AN ACT RELATING TO THE SALARIES OF COUNTY OFFICIALS IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salaries of the following enumerated officials of Harnett County are hereby raised by the amounts appearing opposite the title of the office, which raises in salary shall be in addition to the amounts heretofore received by such officers:

Register of Deeds	$400.00 per annum
Clerk of the Superior Court	400.00 per annum
Clerk of Recorder's Court	600.00 per annum
Judge of Recorder's Court	800.00 per annum
Solicitor of Recorder's Court	800.00 per annum

Sec. 2. The Board of County Commissioners of Harnett County is hereby authorized and empowered to fix the salaries to be received by all appointed officials of Harnett County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 483 CHAPTER 999

AN ACT TO AMEND G. S. 152-5 RELATING TO THE COMPENSATION OF THE CORONER IN HARNETT COUNTY.

WHEREAS, the Coroner of Harnett County is now receiving certain fees for his services as provided by Chapter 752, Session Laws of 1955; and

WHEREAS, from July 1, 1958 to June 1, 1959 the Coroner of Harnett County has received approximately the sum of two thousand one hundred fifty-two dollars ($2,152.00) as fees for services rendered during the aforesaid eleven months; and

WHEREAS, it is deemed advisable in Harnett County that all elected officials be removed from a fee basis and be placed on an annual salary: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. G. S. 152-5, as the same appears in Volume 3C of the General Statutes, is hereby amended by adding at the end thereof the following:

"Provided that in Harnett County the Coroner shall receive as full compensation for his services rendered, the annual salary of twenty-three hundred dollars ($2300.00), payable in twelve equal monthly installments, which sum shall also include all expenses of his office."

Sec. 2. In cases where the services of an Assistant Coroner of Harnett County is required, the Coroner of Harnett County shall pay such Assistant Coroner such fees as are now set forth in Chapter 752, Session Laws of 1955.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 493 CHAPTER 1000

AN ACT TO AMEND CHAPTER 352 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1899, BEING AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF MONROE, AND TO AMEND CHAPTER 641, SESSION LAWS OF NORTH CAROLINA, 1949, RELATING TO THE CHARTER OF THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 352 of the Private Laws of North Carolina, Session of 1899, be and the same is hereby amended to provide that the offices of the city clerk and the city treasurer shall be separate offices. The city clerk shall be appointed by the governing body of the City of Monroe and shall perform all duties assigned to him from time to time by the governing body of the City of Monroe.

Sec. 2. That the city treasurer shall be appointed by the governing body of the City of Monroe and shall perform all duties assigned to him from time to time by the governing body of the City of Monroe.

Sec. 3. That from and after the effective date of this Act, the City Manager of the City of Monroe shall exercise all of the functions of City Treasurer of the City of Monroe.

Sec. 4. That Chapter 641 of the Session Laws of 1949 be and the same is hereby amended by adding an additional subsection to Section 8 of said Chapter 641, said subsection under Section 8 to be designated as follows:

(8) Exercise all of the duties of City Treasurer of the City of Monroe.

Sec. 5. That all actions and proceedings heretofore taken by the Board of Aldermen of the City of Monroe in relation to the proposed issuance

of six hundred thirty-five thousand dollars ($635,000.00) Natural Gas Revenue Bonds of the City of Monroe are hereby validated and approved; and all official acts heretofore authorized and exercised by the City Manager of Monroe under resolutions by the governing body of said city and imposing upon the city manager the official duties of treasurer of said city are hereby validated and approved.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 51 CHAPTER 1001

AN ACT TO AMEND G. S. 35-3 RELATING TO CERTIFICATES FROM HOSPITALS FOR THE INSANE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 35-3, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting immediately following the word "State" in line two thereof and immediately preceding the comma the words "or State training school". The said Section is hereby further amended by inserting immediately following the word "hospital" and immediately preceding the word "declaring" in line four thereof the words "or training school". The said Section is further amended by inserting between the words "hospital" and "is" in line seven the words "or training school".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 52 CHAPTER 1002

AN ACT TO AMEND CHAPTER 122 OF THE GENERAL STATUTES RELATING TO HOSPITALS FOR THE MENTALLY DISORDERED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 122-1 is hereby amended by striking out the words "State Hospital at Butner" at the end of line eight and beginning of line nine thereof and by substituting in lieu thereof the words "John Umstead Hospital".

Sec. 2. G. S. 122-2 is hereby amended by striking out the words "State Hospital at Butner" immediately preceding the word "and" and immediately following the word "the" in line three thereof and by substituting in lieu thereof the words "John Umstead Hospital".

Sec. 3. G. S. 122-3 is hereby amended by changing the words "State Hospital at Butner" in line two of the first paragraph thereof to the words "John Umstead Hospital". G. S. 122-3 is hereby further amended by striking out from line six of the first paragraph the word and punctuation "epileptic,". G. S. 122-3 is hereby further amended by striking out therefrom all of paragraphs two, three and four beginning with the word "White" and ending with the word "School" and by rewriting into two new paragraphs to read as follows:

"The North Carolina Hospitals Board of Control shall have the authority to establish rules and regulations not contrary to law governing the admission of persons to any State hospital or other institution under its control which is now or may hereafter be established. Clerks of Superior Court of the several counties of the State may make commitments to such institutions in the same manner now provided by law for the several State hospitals and training schools.

"The North Carolina Hospitals Board of Control is hereby given authority to admit certain classes of patients to any one of the institutions under its control and shall notify the Clerks of Superior Court of its action. Section 116-129 through 116-137 shall apply to colonies for feeble-minded persons and to feeble-minded persons held in any colonies providing that § 116-135 shall apply only to Caswell Training School."

Sec. 4. G. S. 122-5 is hereby amended by striking out the words and punctuation ", epileptic," immediately following the word "disordered" and immediately preceding the word "and" in line three thereof.

Sec. 5. G. S. 122-6 is hereby amended by striking out all of the second, third and fourth sentences of the first paragraph beginning with the word "Commitment" and ending with the word "hospital", and by adding in lieu thereof a new sentence to read as follows: "The North Carolina Hospitals Board of Control is hereby given the authority to admit to any of the State institutions under its control epileptics who are mentally disordered."

Sec. 6. G. S. 122-7 is hereby amended by striking out the words "State Hospital at Butner" in line five thereof and by substituting in lieu thereof the words "John Umstead Hospital".

Sec. 7. G. S. 122-11.2 is hereby rewritten to read as follows:

"§ 122-11.2. Commissioner of Mental Health. The North Carolina Hospitals Board of Control is hereby authorized and given full power to employ a Commissioner of Mental Health and prescribe his duties, and his salary shall be fixed by the Governor subject to the approval of the Advisory Budget Commission. The said Commissioner shall be a person of demonstrated executive ability and a doctor of medicine who shall have had special education, training and experience in psychiatry and in the treatment of mental diseases, and he shall be a person of good character and otherwise qualified to discharge his duties. He shall be employed for a period of six years from and after the date of his selection, unless sooner removed therefrom by the board for incompetence or misconduct. He shall devote his full time to the duties of his employment.

"The North Carolina Hospitals Board of Control shall provide the said Commissioner with such stenographic and clerical assistance as it may

deem necessary. The salary of said Commissioner and the expenses incident to equipping and maintaining his office, including stenographic and clerical assistance, shall be paid out of the appropriations. Upon the request of the board, the Department of Administration shall provide suitable office space in the City of Raleigh for said Commissioner."

Sec. 8. G. S. 122-11.3 is hereby amended by striking out the words "Board of Directors" in lines one, two, five and seven of the first paragraph and in line one of the third paragraph thereof and by substituting in lieu thereof the words "North Carolina Hospitals Board of Control".

Sec. 9. G. S. 122-11.3 is hereby further amended by rewriting the last sentence of the third paragraph thereof to read as follows: "Upon request of the North Carolina Hospitals Board of Control, the Department of Administration shall provide suitable office space in the City of Raleigh for said general business manager in conjunction with the office space provided for the Commissioner of Mental Health hereinbefore provided for."

Sec. 10. G. S. 122-11.4 is hereby rewritten to read as follows:

"§ 122-11.4. Monthly Reports to Commissioner of Mental Health. The superintendent of each of said institutions shall make monthly reports to the Commissioner of Mental Health in such manner and detail as the North Carolina Hospitals Board of Control may prescribe."

Sec. 11. G. S. 122-14 is hereby amended by striking out the words "State Hospital at Raleigh, the State Hospital at Morganton and the State Hospital at Goldsboro" and by substituting in lieu thereof the words "several State hospitals".

Sec. 12. G. S. 122-33 is hereby amended by rewriting the first sentence thereof to read as follows: "The superintendent or business manager of each hospital and training school and the superintendent of the North Carolina School for the Deaf are empowered to appoint such number of discreet employees of their respective hospitals or schools as they may think proper, special policemen, and within the grounds of such hospital or school the said employees so appointed policemen shall have all the powers of policemen of incorporated towns."

Sec. 13. G. S. 122-36 is hereby amended by striking out the words "in the State Hospital at Morganton, the State Hospital at Raleigh, the State Hospital at Goldsboro, or the State Hospital at Butner," as they appear in lines five and six thereof.

Sec. 14. G. S. 122-37 is hereby rewritten to read as follows:

"§ 122-37. Mental Defectives Admitted. Any person with mental deficiency who in addition is suffering from a mental disorder may be admitted to the proper State hospital for the mentally disordered. Mentally defective delinquents and low-grade idiots who are unable to look after their own persons may be admitted to the appropriate training school."

Sec. 15. G. S. 122-46 is hereby amended by adding at the end of the first paragraph thereof the following new sentence: "If the alleged mentally disordered person is not admitted to the appropriate State hospital within thirty days of the date on which the Clerk issued the order of commitment, the order shall be void and of no effect whatsoever."

Sec. 16. G. S. 122-46.2 is hereby repealed.

Sec. 17. G. S. 122-46.5 is hereby amended by striking out the word "thirty" at the end of line two thereof and by substituting in lieu thereof the word "sixty".

Sec. 18. G. S. 122-57 is hereby amended by inserting a period after the word "place" in the fourth line of the first sentence thereof, and inserting in lieu of the remaining portion of the first sentence the following: "Commitment shall be upon the affidavit of one physician who is licensed to practice medicine in North Carolina and who is not related by blood to the mentally disordered person or upon the application of a respectable citizen by the order of the Clerk of the Superior Court of the county in which the patient becomes suddenly or violently mentally disordered. Commitment shall be for a period of not more than twenty days. Adjudication, if necessary, shall take place within this period."

Sec. 19. G. S. 122-57 is hereby further amended by adding at the end thereof the following: "The Clerk of the Superior Court of the county in which the patient is confined shall, upon request of the controlling officer of the hospital, go to the hospital and hold the required hearing. The expenses of such hearing shall be borne by the county of residence of such mentally disordered person. The records of such commitment shall be maintained in accordance with the provisions of G. S. 122-50."

Sec. 20. G. S. 122-63.1 is hereby amended by rewriting the first sentence of the second paragraph thereof so as to read as follows: "The commitment of such mentally disordered person in another state, and the authorization by the Board of Control of his return shall be sufficient authority for the superintendent of the State hospital to hold this patient for a reasonable length of time, not to exceed thirty days. Commitment shall take place within this thirty-day period."

Sec. 21. G. S. 122-63.1 is hereby further amended by striking out the words "thirty-day" in the last line thereof.

Sec. 22. G. S. 122-63.2 is hereby amended by striking out the words "General Superintendent" in line sixteen of paragraph three thereof and by substituting in lieu thereof the words "Commissioner of Mental Health".

Sec. 23. G. S. 122-68.1 is hereby rewritten to read as follows:

"§ 122-68.1. Superintendent Must Notify Commissioner of Mental Health and State Hospitals Board of Control of Unusually Dangerous Mentally Disordered Patients. Whenever a person is found by the State hospital psychiatrists to be unusually dangerous to himself or others, the superintendent must notify the Commissioner of Mental Health and the North Carolina Hospitals Board of Control. Such a patient cannot be paroled without the agreement of the North Carolina Hospitals Board of Control and the Commissioner of Mental Health. If the Commissioner of Mental Health finds that any patient in one of the State hospitals is unusually dangerous to himself or to others, he may place the patient under the rules of this Section."

Sec. 24. Article 6 of Chapter 122 of the General Statutes is hereby amended by inserting immediately following G. S. 122-85 and immediately preceding G. S. 122-86, a new Section to be designated G. S. 122-85.1 and to read as follows:

"§ 122.85.1. Persons on Parole. Any person who has been released from any penal institution on parole and who becomes mentally disordered shall be committed, in the manner provided in G. S. 122-46, to the appropriate State hospital designated by G. S. 122-4 or other applicable statute."

Sec. 25. Article 6 of Chapter 122 of the General Statutes is hereby amended by inserting immediately following G. S. 122-87 and immediately preceding G. S. 122-88 a new Section to be designated G. S. 122-87.1 and to read as follows:

"§ 122-87.1. Proceedings in Case Criminal Charges are Terminated. Whenever an indictment for crime which has been pending against a person who is confined in a State hospital has been quashed, nol prossed, or otherwise terminated except by trial, the patient shall thereafter be treated in all respects as if he had been committed under the provisions of Article 3 of this Chapter."

Sec. 26. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 27. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 60 CHAPTER 1003

AN ACT TO ENACT THE INTERSTATE COMPACT ON MENTAL HEALTH.

The General Assembly of North Carolina do enact:

Section 1. The Interstate Compact on Mental Health is hereby enacted into law and entered into by this State with all other states legally joining therein in the form substantially as follows: The contracting states solemnly agree that:

Article I

The party states find that the proper and expeditious treatment of the mentally ill and mentally deficient can be facilitated by cooperative action, to the benefit of the patients, their families, and society as a whole. Further, the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that, on the contrary, the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare and to establish the responsibilities of the party states in terms of such welfare.

Article II

As used in this compact:

(a) "Sending state" shall mean a party state from which a patient is transported pursuant to the provisions of the compact or from which it is contemplated that a patient may be so sent.

(b) "Receiving state" shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

(c) "Institution" shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency.

(d) "Patient" shall mean any person subject to or eligible as determined by the laws of the sending state, for institutionalization or other care, treatment, or supervision pursuant to the provisions of this compact.

(e) "After-care" shall mean care, treatment and services provided a patient, as defined herein, on convalescent status or conditional release.

(f) "Mental illness" shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

(g) "Mental deficiency" shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

(h) "State" shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Article III

(a) Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental deficiency, he shall be eligible for care and treatment in an institution in that state irrespective of his residence, settlement or citizenship qualifications.

(b) The provisions of paragraph (a) of this Article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as shall be considered appropriate.

(c) No state shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this Article unless the sending state has given advance notice of its intention to send the patient; furnished all available medical and other pertinent records concerning the patient; given the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient if said authorities so wish; and unless the receiving state shall agree to accept the patient.

(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

Article IV

(a) Whenever, pursuant to the laws of the state in which a patient is physically present, it shall be determined that the patient should receive after-care or supervision, such care or supervision may be provided in a receiving state. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state shall have reason to believe that after-care in another state would be in the best interest of the patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such after-care in said receiving state, and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient, and such other documents as may be pertinent.

(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state and the appropriate authorities in the receiving state find that the best interest of the patient would be served thereby, and if the public safety would not be jeopardized thereby, the patient may receive after-care or supervision in the receiving state.

(c) In supervising, treating, or caring for a patent on after-care pursuant to the terms of this Article, a receiving state shall employ the same standards of visitation, examination, care, and treatment that it employs for similar local patients.

Article V

Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state, that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escape in a manner reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, he shall be detained in the state where found pending disposition in accordance with law.

Article VI

The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this compact through any and all states party to this compact, without interference.

Article VII

(a) No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution

in a receiving state shall have the effect of making the person a patient of the institution in the receiving state.

(b) The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this compact, but any two or more party states may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this compact.

(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a non-party state relating to institutionalization, care or treatment of the mentally ill or mentally deficient, or any statutory authority pursuant to which such agreements may be made.

Article VIII

(a) Nothing in this compact shall be construed to abridge, diminish, or in any way impair the rights, duties, and responsibilities of any patient's guardian on his own behalf or in respect of any patient for whom he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the circumstances; provided, however, that in the case of any patient having settlement in the sending state, the court of competent jurisdiction in the sending state shall have the sole discretion to relieve a guardian appointed by it or continue his power and responsibility, whichever it shall deem advisable. The court in the receiving state may, in its discretion, confirm or reappoint the person or persons previously serving as guardian in the sending state in lieu of making a supplemental or substitute appointment.

(b) The term "guardian" as used in paragraph (a) of this Article shall include any guardian, trustee, legal committee, conservator, or other person or agency however denominated who is charged by law with power to act for or responsibility for the person or property of a patient.

Article IX

(a) No provision of this compact except Article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institu-

tionalization is due to the commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

(b) To every extent possible, it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison, jail or lockup, but such patient shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

Article X

(a) Each party state shall appoint a "compact administrator" who, on behalf of his state, shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder.

(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.

Article XI

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact.

Article XII

This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

Article XIII

(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact.

(b) Withdrawal from any agreement permitted by Article VII (b) as to costs or from any supplementary agreement made pursuant to Article XI shall be in accordance with the terms of such agreement.

Article XIV

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any party state or of the United States or to applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Sec. 2. Pursuant to said compact, the Commissioner of Mental Health shall be the Compact Administrator and who, acting jointly with like officers of other party states, shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact. The Compact Administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this State and its subdivisions in facilitating the proper administration of the compact of any supplementary agreement or agreements entered into by this State thereunder.

Sec. 3. The Compact Administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to Articles VII and XI of the compact. In the event that such supplementary agreements shall require or contemplate the use of any institution or facility of this State or require or contemplate the provision of any service by this State, no such agreement shall have force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

Sec. 4. The Compact Administrator, subject to the approval of the Director of the Budget, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this State by the compact or by any supplementary agreement entered into thereunder.

Sec. 5. The Compact Administrator is hereby directed to consult with the immediate family of any proposed transferee and, in the case of a proposed transferee from an institution in this State to an institution in another party state, to take no final action without approval of the Superior Court of county in which patient is located.

Sec. 6. Copies of this Act shall, upon its approval, be transmitted by the Compact Administrator to the governor of each state, the attorney general of each state, the Administrator of General Services of the United States, and the Council of State Governments.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 264 CHAPTER 1004

AN ACT TO AMEND G. S. 112-19 RELATING TO THE ELIGIBILITY OF CERTAIN WIDOWS OF CONFEDERATE SOLDIERS TO BE PLACED ON THE CLASS B PENSION ROLL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 112-19, as it appears in the 1951 Supplement to the General Statutes, is amended by inserting after the comma following the word "soldier" and before the word "and" in line 2 of the said Section, the words "or for any period of time if a child was born of said marriage,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 257 CHAPTER 1005

AN ACT TO CREATE THE HISTORIC BATH COMMISSION FOR THE PURPOSE OF THE ACQUISITION, REPAIR AND MAINTENANCE OF HISTORIC SITES IN THE TOWN OF BATH IN BEAUFORT COUNTY.

WHEREAS, the Town of Bath in Beaufort County, the oldest town in North Carolina, site of the first public library in the colony, at times the seat of colonial government, and the home of many leading citizens of early North Carolina, contains a number of historic buildings and sites that ought to be preserved for our people; and

WHEREAS, the General Assembly in 1957 appropriated funds to begin the acquisition, repair, and restoration of such sites, and funds for such purposes have been contributed from other sources, so that one historic building has already been acquired and repair and restoration work has been done thereon; and

WHEREAS, it is fitting and proper that this program be continued: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Governor is hereby authorized, empowered and directed to appoint a Commission of not less than 15 members, to be known as the Historic Bath Commission. In addition to the members to be appointed by the Governor, the Mayor of the Town of Bath, the Chairman of the Board of Commissioners of Beaufort County, and the Director of the State Department of Archives and History shall serve on the said Commission as ex officio members. The Governor is authorized to fill any vacancies on the Commission occasioned by the members appointed by him.

Sec. 2. The aforesaid Commission is authorized and empowered to acquire title to historic properties in and near the Town of Bath, and to repair, restore or otherwise improve such properties, and to maintain them until the work of the Commission shall be terminated.

Sec. 3. Any appropriations voted by the General Assembly that may be for the purposes stated above shall be made to the State Department of Archives and History.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 372 CHAPTER 1006

AN ACT AUTHORIZING COUNTIES TO ADOPT ORDINANCES PROVIDING FOR THE ZONING AND REGULATION OF BUILDINGS AND OTHER STRUCTURES AND THE USE OF LAND, OTHER THAN FOR FARMING, IN AREAS OUTSIDE THE ZONING JURISDICTION OF MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 153 of the General Statutes is amended by adding a new Article immediately following Article 20A, to be designated as Article 20B, and to read as follows:

"ARTICLE 20B.

"G. S. 153-266.10. For the purpose of promoting health, safety, morals, or the general welfare, the board of county commissioners of any county is hereby empowered to regulate and restrict

"(a) the height, number of stories, and size of buildings and other structures,

"(b) the percentage of lot that may be occupied,

"(c) the size of yards, courts, and other open spaces,

"(d) the density of population, and

"(e) the location and use of buildings, structures, and land for trade, industry, residence or other purposes, except farming.

"No such regulations shall affect bona fide farms, but any use of such property for nonfarm purposes shall be subject to such regulations. Such regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained.

"G. S. 153-266.11. For any and all said purposes, the board of commissioners may divide the county, or portions of it as determined in accordance with the provisions of G. S. 153-266.13 below, into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this Article; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

"G. S. 153-266.12. Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such county. Such regulations shall further be made with reasonable consideration to expansion and development of municipalities within the county, so as to provide for the orderly growth and development of such municipalities.

"G. S. 153-266.13. The county zoning ordinance may regulate all territory in the county outside the zoning jurisdiction of any municipalities within the county. In addition, the county zoning ordinance may regulate territory within the zoning jurisdiction of any municipality whose governing body, by resolution, agrees to such regulation; provided, however, that any such municipal governing body may, upon one year's written notice, withdraw its approval of the county zoning regulations, and those regulations shall have no further effect within the municipality's jurisdiction.

"Where the board of commissioners determines that it is not necessary to zone the entire county in order to serve the public interest, the board may, after a public hearing, designate one or more portions of the county as a zoning area or areas. Any such area or areas may be regulated in the same manner as if the entire county were zoned, and the remainder of the county need not be regulated. No zoning area may be designated which is less than six hundred forty (640) acres in area, or which contains less than ten separate tracts of land in separate ownership.

"G. S. 153-266.14. In order to avail itself of the powers conferred by this Article, the board of commissioners shall appoint a county planning board or a joint planning board under the provisions of G. S. 153-9(40) or of a special Act of the General Assembly. If the board of commissioners creates one or more zoning areas within the county under the provisions of G. S. 153-266.13 hereof, it shall also appoint an advisory commission for each such zoning area, composed of residents of the area. Each advisory commission shall be charged with the duty of making recommendations to the planning board and the board of commissioners concerning zoning regulations for its area.

"G. S. 153-266.15. The county planning board or joint planning board shall have the duty of preparing a zoning plan, including both the full text of a zoning ordinance and a map or maps showing proposed district boundaries. The planning board may hold such public hearings as it deems necessary in the course of preparing this plan. The planning board shall certify this plan to the board of county commissioners.

"On receipt of a zoning plan from the county planning board, the board of commissioners shall hold a public hearing thereon, after which

it may adopt the zoning ordinance and map as recommended, adopt it with modifications, or reject it.

"The zoning ordinance, including the map or maps, may from time to time be amended, supplemented, changed, modified, or repealed. No amendment shall become effective unless it first be submitted to the planning board for its recommendations; failure of the planning board to make recommendations for a period of 30 days after the amendment has been referred to it shall constitute a favorable recommendation. No amendment may be adopted until after a public hearing thereon.

"G. S. 153-266.16. Whenever in this Act a public hearing is required, all parties in interest and other citizens shall be given an opportunity to be heard. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in the county, or, if there be no newspaper published in the county, by posting such notice at four public places in the county, said notice to be published the first time or posted not less than 15 days prior to the date fixed for said hearing.

"G. S. 153-266.17. If it exercises the powers granted by this Article, the board of commissioners shall provide for the appointment of a board of adjustment consisting of five members, each to be appointed for three years; provided, that the board of commissioners in the appointment of the original members of such board, or in the filling of vacancies caused by the expiration of the terms of the existing members of any such board, may make appointments of certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The board of commissioners may, in its discretion, appoint not more than two alternate members to serve on such board in the absence, for any cause, of any regular members. Such alternate member or members shall be appointed for the same term or terms as regular members, and shall be appointed in the same manner as regular members and at the regular times for appointment. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent.

"Such board of adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to this Article. Such appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the county. Such appeal shall be taken within such time as shall be prescribed by the board of adjustment by general rule, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life

or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. The board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

"The zoning ordinance may provide that the board of adjustment may permit special exceptions to the zoning regulations in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified in the ordinance. The ordinance may also authorize the board to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of the ordinance. The board shall hear and decide all such matters referred to it or upon which it is required to pass under any such ordinance.

"Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinance, the board of adjustment shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

"The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of an ordinance adopted pursuant to this Article, or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance, or to grant a variance from the provisions of such ordinance. Every decision of such board shall be subject to review by the Superior Court by proceedings in the nature of certiorari.

"G. S. 153-266.18. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Article or of any ordinance or other regulation made under authority conferred hereby, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings

"(a) to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use,

"(b) to restrain, correct, or abate such violation,

"(c) to prevent the occupancy of said building, structure, or land, or

"(d) to prevent any illegal act, conduct, business, or use in or about such premises.

"G. S. 153-266.19. Wherever the regulations made under authority of this Article require a greater width or size of yards or courts, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this Article shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Article, the provisions of such statute or local ordinance or regulation shall govern.

"G. S. 153-266.20. This Article shall not have the effect of repealing any Zoning Act or County Planning Act, local or general, now in force; but it shall be construed to be in enlargement of the duties, powers, and authority contained in such statutes and all other laws authorizing the appointment and proper functioning of county planning boards or zoning commissions by any county in the State of North Carolina.

"G. S. 153-266.21. All of the provisions of this Act and any ordinance adopted pursuant hereto are hereby made applicable to the erection and construction of buildings by the State of North Carolina and its political subdivisions.

"G. S. 153-266.22. This Article shall not apply to the following counties: Alleghany, Ashe, Bertie, Bladen, Brunswick, Caswell, Craven, Currituck, Duplin, Franklin, Greene, Halifax, Harnett, Hoke, Iredell, Lenoir, Martin, Moore, New Hanover, Onslow, Pender, Person, Scotland, Surry, Tyrrell, Warren, Washington, Watauga and Wayne."'

Sec. 1½. The provisions of this Act shall not apply to Cumberland County and Johnston County.

Sec. 2. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 374 CHAPTER 1007

AN ACT AUTHORIZING COUNTIES TO REGULATE THE SUBDIVISION OF LAND IN AREAS OUTSIDE MUNICIPAL SUBDIVISION-REGULATION JURISDICTION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 153 of the General Statutes is amended by adding a new Article immediately following Article 20, to be designated Article 20A and to read as follows:

"Article 20A.

"G. S. 153-266.1. The board of county commissioners of any county is hereby authorized to enact an ordinance regulating the platting and recording of any subdivision of land as defined by this Article, lying

within the county and outside the subdivision-regulation jurisdiction of any municipality. Such ordinance may also regulate territory within the subdivision-regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulation; provided, however, that any such municipal governing body may, upon one year's written notice, withdraw its approval of the county subdivision regulations, and those regulations shall have no further effect within the municipality's jurisdiction.

"G. S. 153-266.2. Before the county commissioners may adopt a subdivision control ordinance or any amendment thereto under the provisions of this Article, the said board of county commissioners shall hold a public hearing on the proposed ordinance. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in the county, or if there be no newspaper published in the county, by posting such notice at four public places in the county, said notice to be published the first time, or posted, not less than fifteen days nor more than twenty-five days prior to the date fixed for said hearing.

"G. S. 153-266.3. No county shall regulate the platting and recording of subdivisions in any manner other than through the adoption of an ordinance pursuant to the provisions of this Article. Such ordinance may provide for the orderly development of the county; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of rights of way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding and which shall create conditions essential to public health, safety and the general welfare.

"Such ordinance may include requirements for the final plat, plat to show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

"G. S. 153-266.4. Any subdivision ordinance adopted pursuant to this Article shall contain provisions setting forth the procedures to be followed in granting or denying approval of a subdivision plat prior to its registration. Such ordinance shall give the following agencies an opportunity to make recommendations prior to the approval of any individual subdivision plat:

(a) The district highway engineer as to proposed streets, highways, and drainage systems;

(b) The county health director as to proposed water and sewerage systems;

(c) The county school superintendent as to proposed school sites;

(d) Such other agencies and officials as the county commissioners may deem necessary or desirable.

The ordinance may provide that final approval of each individual subdivision plat is to be given by (a) the board of county commissioners,

(b) the board of county commissioners on recommendation of the county planning board, or (c) the county planning board.

"From and after the time that a subdivision ordinance is filed with the register of deeds of the county, no subdivision plat of land within the county's subdivision-regulation jurisdiction shall be filed or recorded until it shall have been submitted and approved by the appropriate board, as specified in the subdivision ordinance, and until such approval shall have been entered on the face of the plat in writing by the chairman of said board. The register of deeds shall not file a plat of a subdivision of land located within the territorial jurisdiction of the county commissioners as defined in G. S. 153-266.1 hereof which has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat where such recording would be in conflict with this Section. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision-regulation jurisdiction of the board of county commissioners.

"G. S. 153-266.5. The approval of a plat pursuant to regulations adopted under this Article shall not be deemed to constitute or effect the acceptance by the county or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

"G. S. 153-266.6. If a board of county commissioners adopts an ordinance regulating the subdivision of land as authorized herein, any person who, being the owner or agent of the owner of any land located within the platting jurisdiction granted to the county commissioners by G. S. 153-226.1, thereafter transfers or sells such land by reference to a plat showing a subdivision of land before such plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The county, through its county attorney or other official designated by the board of county commissioners, may enjoin such illegal transfer or sale by action for injunction.

"G. S. 153-266.7. For the purpose of this Article, the following definition shall apply:

"Subdivision. A 'Subdivision' shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions, for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Act: (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision ordinance; (2) the division of land into parcels greater than five acres where no street right of way dedication is involved; (3) the public acquisition by purchase of strips of land for

the widening or opening of streets; (4) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right of way dedication is involved and where the resultant lots are equal to or exceed the standards of the county as shown in its subdivision ordinance.

"G. S. 153-266.8. The powers granted to counties by this Article shall be deemed supplementary to any powers heretofore or hereafter granted by local act for the same or a similar purpose, and in any case where the provisions of this Article conflict with or are different from such provisions of any local act, the board of county commissioners may in its discretion proceed in accordance with the provisions of this Article or, as an alternative method, in accordance with the provisions of such local act.

"G. S. 153-266.9. Should any Section, clause or provisions of this Article be decided by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Article as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

"G. S. 153-266.10. This Article shall not apply to the following counties: Alleghany, Ashe, Bertie, Bladen, Brunswick, Caswell, Craven, Currituck, Duplin, Franklin, Greene, Halifax, Harnett, Hoke, Iredell, Lenoir, Martin, Moore, Pender, Person, Scotland, Surry, Tyrrell, Warren, Washington, and Wayne."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act, except as indicated by G. S. 153-266.8 above, are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 496 CHAPTER 1008

AN ACT TO AMEND CHAPTER 122 OF THE GENERAL STATUTES SO AS TO PROVIDE FOR THE WESTERN CAROLINA TRAINING SCHOOL FOR MENTALLY RETARDED CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 122 of the General Statutes is hereby amended by inserting a new Section immediately following G. S. 122-1.1, to be designated as G. S. 122-1.2, and to read as follows:

"G. S. 122-1.2. Authority to Establish Western Carolina Training School. Subject to the availability of funds, the North Carolina Hospitals Board of Control is hereby authorized to purchase, construct or otherwise acquire, operate and maintain a training school for mentally retarded children to be known as the Western Carolina Training School. The Board is authorized to establish rules and regulations for the admission, care, and treatment of such persons, and to determine costs, and to set rates for the maintenance of these persons. The North Carolina Hospitals Board of Control may itself operate such facilities directly or may delegate

such operation. The State Board of Health and the State Department of Public Welfare shall act in an advisory capacity in the operation of these facilities."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 506 CHAPTER 1009

AN ACT PROVIDING A PROCEDURE FOR THE EXTENSION OF MUNICIPAL CORPORATE LIMITS IN MUNICIPALITIES HAVING A POPULATION OF 5,000 OR MORE PERSONS.

The General Assembly of North Carolina do enact:

Section 1. Declaration of Policy. It is hereby declared as a matter of State policy:

(a) That sound urban development is essential to the continued economic development of North Carolina;

(b) That municipalities are created to provide the governmental services essential for sound urban development and for the protection of health, safety and welfare in areas being intensively used for residential, commercial, industrial, institutional and governmental purposes or in areas undergoing such development;

(c) That municipal boundaries should be extended, in accordance with legislative standards applicable throughout the State, to include such areas and to provide the high quality of governmental services needed therein for the public health, safety and welfare;

(d) That new urban development in and around municipalities having a population of 5,000 or more persons is more scattered than in and around smaller municipalities, and that such larger municipalities have greater difficulty in expanding municipal utility systems and other service facilities to serve such scattered development, so that the legislative standards governing annexation by larger municipalities must take these facts into account if the objectives set forth in this Section are to be attained;

(e) That areas annexed to municipalities in accordance with such uniform legislative standards should receive the services provided by the annexing municipality as soon as possible following annexation.

Sec. 2. Authority to Annex. The governing board of any municipality having a population of 5,000 or more persons according to the last federal decennial census may extend the corporate limits of such municipality under the procedure set forth in this Act.

Sec. 3. Prerequisites to Annexation; Ability to Serve. A municipality exercising authority under this Act shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the public

hearing provided for in Section 5 of this Act, prepare a report setting forth such plans to provide services to such area. The report shall include:

(a) A map or maps of the municipality and adjacent territory to show the following information:

(1) The present and proposed boundaries of the municipality.

(2) The present major trunk water mains and sewer interceptors and outfalls, and the proposed extension of such mains and outfalls as required in subsection (c) of this Section.

(3) The general land use pattern in the area to be annexed.

(b) A statement showing that the area to be annexed meets the requirements of Section 4 of this Act.

(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans shall:

(1) Provide for extending police protection, fire protection, garbage collection and street maintenance services to the area to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation. If a water distribution system is not available in the area to be annexed, the plans must call for reasonably effective fire protection services until such time as water lines are made available in such area under existing municipal policies for the extension of water lines.

(2) Provide for extension of major trunk water mains and sewer outfall lines into the area to be annexed so that when such lines are constructed, property owners in the area to be annexed will be able to secure public water and sewer service, according to the policies in effect in such municipality for extending water and sewer lines to individual lots or subdivisions.

(3) If extension of major trunk water mains and sewer outfall lines into the area to be annexed is necessary, set forth a proposed time-table for construction of such mains and outfalls as soon as possible following the effective date of annexation. In any event, the plans shall call for contracts to be let and construction to begin within twelve months following the effective date of annexation.

(4) Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.

Sec. 4. Character of Area to be Annexed. (a) A municipal governing board may extend the municipal corporate limits to include any area (1) which meets the general standards of subsection (b), and (2) every part of which meets the requirements of either subsection (c) or subsection (d).

(b) The total area to be annexed must meet the following standards:

(1) It must be adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun.

(2) At least one-eighth of the aggregate external boundaries of the area must coincide with the municipal boundary.

(3) No part of the area shall be included within the boundary of another incorporated municipality.

(c) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(1) Has a total resident population equal to at least two persons for each acre of land included within its boundaries; or

(2) Has a total resident population equal to at least one person for each acre of land included within its boundaries, and is subdivided into lots and tracts such that at least sixty per cent (60%) of the total acreage consists of lots and tracts five acres or less in size and such that at least sixty per cent (60%) of the total number of lots and tracts are one acre or less in size; or

(3) Is so developed that at least sixty per cent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional or governmental purposes, and is subdivided into lots and tracts such that at least sixty per cent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental or institutional purposes, consists of lots and tracts five acres or less in size.

(d) In addition to areas developed for urban purposes, a governing board may include in the area to be annexed any area which does not meet the requirements of subsection (c) if such area either:

(1) Lies between the municipal boundary and an area developed for urban purposes so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services and/or water and/or sewer lines through such sparsely-developed area; or

(2) Is adjacent, on at least sixty per cent (60%) of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (c).

The purpose of this subsection is to permit municipal governing boards to extend corporate limits to include all nearby areas developed for urban purposes and where necessary to include areas which at the time of annexation are not yet developed for urban purposes but which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes.

(e) In fixing new municipal boundaries, a municipal governing board shall, wherever practical, use natural topographic features such as ridge lines and streams and creeks as boundaries, and if a street is used as a boundary, include within the municipality land on both sides of the street and such outside boundary may not extend more than 200 feet beyond the right of way of the street.

Sec. 5. Procedure for Annexation. (a) Notice of Intent. Any municipal governing board desiring to annex territory under the provisions of this Act shall first pass a resolution stating the intent of the municipality

to consider annexation. Such resolution shall describe the boundaries of the area under consideration and fix a date for a public hearing on the question of annexation, the date for such public hearing to be not less than thirty days and not more than sixty days following passage of the resolution.

(b) Notice of Public Hearing. The notice of public hearing shall

(1) Fix the date, hour and place of the public hearing.

(2) Describe clearly the boundaries of the area under consideration.

(3) State that the report required in Section 3 of this Act will be available at the office of the municipal clerk at least fourteen days prior to the date of the public hearing. Such notice shall be given by publication in a newspaper having general circulation in the municipality once a week for at least four successive weeks prior to the date of the hearing. The period from the date of the first publication to the date of the last publication, both dates inclusive, shall be not less than twenty-two days including Sundays, and the date of the last publication shall be not more than seven days preceding the date of public hearing. If there be no such newspaper, the municipality shall post the notice in at least five public places within the municipality and at least five public places in the area to be annexed for thirty days prior to the date of public hearing.

(c) Action Prior to Hearing. At least fourteen days before the date of the public hearing, the governing board shall approve the report provided for in Section 3 of this Act, and shall make it available to the public at the office of the municipal clerk. In addition, the municipality may prepare a summary of the full report for public distribution.

(d) Public Hearing. At the public hearing a representative of the municipality shall first make an explanation of the report required in Section 3 of this Act. Following such explanation, all persons resident or owning property in the territory described in the notice of public hearing, and all residents of the municipality, shall be given an opportunity to be heard.

(e) Passage of the Annexation Ordinance. The municipal governing board shall take into consideration facts presented at the public hearing and shall have authority to amend the report required by Section 3 of this Act to make changes in the plans for serving the area proposed to be annexed so long as such changes meet the requirements of Section 3. At any regular or special meeting held no sooner than the seventh day following the public hearing and no later than sixty days following such public hearing, the governing board shall have authority to adopt an ordinance extending the corporate limits of the municipality to include all, or such part, of the area described in the notice of public hearing which meets the requirements of Section 4 of this Act and which the governing board has concluded should be annexed. The ordinance shall:

(1) Contain specific findings showing that the area to be annexed meets the requirements of Section 4 of this Act. The external boundaries of the area to be annexed shall be described by metes and bounds. In showing the application of Section 4(c) and 4(d) to the area, the govern-

ing board may refer to boundaries set forth on a map of the area and incorporate same by reference as a part of the ordinance.

(2) A statement of the intent of the municipality to provide services to the area being annexed as set forth in the report required by Section 3 of this Act.

(3) A specific finding that on the effective date of annexation the municipality will have funds appropriated in sufficient amount to finance construction of any major trunk water mains and sewer outfalls found necessary in the report required by Section 3 to extend the basic water and/or sewer system of the municipality into the area to be annexed, or that on the effective date of annexation the municipality will have authority to issue bonds in an amount sufficient to finance such construction. If authority to issue such bonds must be secured from the electorate of the municipality prior to the effective date of annexation, then the effective date of annexation shall be no earlier than the day following the statement of the successful result of the bond election.

(4) Fix the effective date of annexation. The effective date of annexation may be fixed for any date within twelve months from the date of passage of the ordinance.

(f) Effect of Annexation Ordinance. From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. The newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of annexation. Provided that annexed property which is a part of a sanitary district, which has installed water and sewer lines, paid for by the residents of said district, shall not be subject to that part of the municipal taxes levied for debt service for the first five years after the effective date of annexation. If this proviso should be declared by a court of competent jurisdiction to be in violation of any provision of the Federal or State Constitution, the same shall not affect the remaining provisions of this Act. If the effective date of annexation falls between January 1 and June 30, the municipality shall, for purposes of levying taxes for the fiscal year beginning July 1 following the date of annexation, obtain from the county a record of property in the area being annexed which was listed for taxation as of said January 1. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then businesses in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

(g) Simultaneous Annexation Proceedings. If a municipality is considering the annexation of two or more areas which are all adjacent to the municipal boundary but are not adjacent to one another, it may undertake simultaneous proceedings under authority of this Act for the annexation of such areas.

(h) If, not earlier than one year from the effective date of annexation, and not later than fifteen months from the effective date of annexa-

tion, any person owning property in the annexed territory shall believe that the municipality has not followed through on its service plans adopted under the provisions of Sections 3(c) and 5(e), such person may apply for a writ of mandamus under the provisions of Article 40, Chapter 1 of the General Statutes. Relief may be granted by the Judge of Superior Court (1) if the municipality has not provided the services set forth in its plan submitted under the provisions of Section 3(c) (1) on substantially the same basis and in the same manner as such services were provided within the rest of the municipality prior to the effective date of annexation, and (2) if at the time the writ is sought such services set forth in the plan submitted under the provisions of Section 3(c) (1) are still being provided on substantially the same basis and in the same manner as on the date of annexation of the municipality. Relief may also be granted by the Judge of Superior Court (1) if the plans submitted under the provisions of Section 3 (c) (3) require the construction of major trunk water mains and sewer outfall lines and (2) if contracts for such construction have not yet been let. If a writ is issued, costs in the action, including a reasonable attorney's fee for such aggrieved person, shall be charged to the municipality.

Sec. 6. Appeal. (a) Within thirty days following the passage of an annexation ordinance under authority of this Act, any person owning property in the annexed territory who shall believe that he will suffer material injury by reason of the failure of the municipal governing board to comply with the procedure set forth in this Act or to meet the requirements set forth in Section 4 of this Act as they apply to his property may file a petition in the Superior Court of the county in which the municipality is located seeking review of the action of the governing board.

(b) Such petition shall explicitly state what exceptions are taken to the action of the governing board and what relief the petitioner seeks. Within five days after the petition is filed with the court, the person seeking review shall serve copies of the petition by registered mail, return receipt requested, upon the municipality.

(c) Within fifteen days after receipt of the copy of the petition for review, or within such additional time as the court may allow, the municipality shall transmit to the reviewing court (1) a transcript of the portions of the municipal journal or minute book in which the procedure for annexation has been set forth and (2) a copy of the report setting forth the plans for extending services to the annexed area as required in Section 3 of this Act.

(d) If two or more petitions for review are submitted to the court, the court may consolidate all such petitions for review at a single hearing, and the municipality shall be required to submit only one set of minutes and one report as required in subsection (c).

(e) At any time before or during the review proceeding, any petitioner or petitioners may apply to the reviewing court for an order staying the operation of the annexation ordinance pending the outcome of the review. The court may grant or deny the stay in its discretion upon such terms

as it deems proper, and it may permit annexation of any part of the area described in the ordinance concerning which no question for review has been raised.

(f) The court shall fix the date for review of annexation proceedings under this Chapter, which review date shall preferably be within thirty days following the last day for receiving petitions to the end that review shall be expeditious and without unnecessary delays. The review shall be conducted by the court without a jury. The court may hear oral arguments and receive written briefs, and may take evidence intended to show either (1) that the statutory procedure was not followed or (2) that the provisions of Section 3 were not met, or (3) that the provisions of Section 4 have not been met.

(g) The court may affirm the action of the governing board without change, or it may

(1) Remand the ordinance to the municipal governing board for further proceedings if procedural irregularities are found to have materially prejudiced the substantive rights of any of the petitioners.

(2) Remand the ordinance to the municipal governing board for amendment of the boundaries to conform to the provisions of Section 4 if it finds that the provisions of Section 4 have not been met; provided, that the court cannot remand the ordinance to the municipal governing board with directions to add area to the municipality which was not included in the notice of public hearing and not provided for in plans for service.

(3) Remand the report to the municipal governing board for amendment of the plans for providing services to the end that the provisions of Section 3 of this Act are satisfied.

If any municipality shall fail to take action in accordance with the court's instructions upon remand within three months from receipt of such instructions, the annexation proceeding shall be deemed null and void.

(h) Any party to the review proceedings, including the municipality, may appeal to the Supreme Court from the final judgment of the Superior Court under rules of procedure applicable in other civil cases. The appealing party may apply to the Superior Court for a stay in its final determination, or a stay of the annexation ordinance, whichever shall be appropriate, pending the outcome of the appeal to the Supreme Court; provided, that the Superior Court may, with the agreement of the municipality, permit annexation to be effective with respect to any part of the area concerning which no appeal is being made and which can be incorporated into the city without regard to any part of the area concerning which an appeal is being made.

(i) If part or all of the area annexed under the terms of an annexation ordinance is the subject of an appeal to the Superior or Supreme Court on the effective date of the ordinance, then the ordinance shall be deemed amended to make the effective date with respect to such area the date of the final judgment of the Superior or Supreme Court, whichever is appropriate, or the date the municipal governing board completes action to make the ordinance conform to the court's instructions in the event of remand.

Sec. 7. Annexation Recorded. Whenever the limits of a municipality are enlarged in accordance with the provisions of this Act, it shall be the duty of the mayor of the municipality to cause an accurate map of such annexed territory, together with a copy of the ordinance duly certified, to be recorded in the office of the register of deeds of the county or counties in which such territory is situated and in the Office of the Secretary of State.

Sec. 8. Authorized Expenditures. Municipalities initiating annexations under the provisions of this Act are authorized to make expenditures for surveys required to describe the property under consideration or for any other purpose necessary to plan for the study and/or annexation of unincorporated territory adjacent to the municipality. In addition, following final passage of the annexation ordinance, the annexing municipality shall have authority to proceed with expenditures for construction of water and sewer lines and other capital facilities and for any other purpose calculated to bring services into the annexed area in a more effective and expeditious manner prior to the effective date of annexation.

Sec. 9. Definitions. The following terms where used in this Act shall have the following meanings, except where the context clearly indicates a different meaning:

(a) "Contiguous area" shall mean any area which, at the time annexation procedures are initiated, either abuts directly on the municipal boundary or is separated from the municipal boundary by a street or street right of way, a creek or river, the right of way of a railroad or other public service corporation, lands owned by the city or some other political subdivision, or lands owned by the State of North Carolina.

(b) "Used for residential purposes" shall mean any lot or tract five acres or less in size on which is constructed a habitable dwelling unit.

Sec. 10. Population and Land Estimates. In determining population and degree of land subdivision for purposes of meeting the requirements of Section 4 of this Act, the municipality shall use methods calculated to provide reasonably accurate results. In determining whether the standards set forth in Section 4 have been met on appeal to the Superior Court under Section 6 of this Act, the reviewing court shall accept the estimates of the municipality:

(a) As to population, if the estimate is based on the number of dwelling units in the area multiplied by the average family size in such area, or in the township or townships of which such area is a part, as determined by the last preceding federal decennial census; or if it is based on a new enumeration carried out under reasonable rules and regulations by the annexing municipality; provided, that the court shall not accept such estimates if the petitioners demonstrate that such estimates are in error in the amount of ten per cent (10%) or more.

(b) As to total area if the estimate is based on an actual survey, or on county tax maps or records, or on aerial photographs, or on some other reasonably reliable map used for official purposes by a governmental agency, unless the petitioners on appeal demonstrate that such estimates are in error in the amount of five per cent (5%) or more.

(c) As to degree of land subdivision, if the estimates are based on an actual survey, or on county tax maps or records, or on aerial photographs, or on some other reasonably reliable source, unless the petitioners on appeal show that such estimates are in error in the amount of five per cent (5%) or more.

Sec. 11. Effect on Other Laws. From and after July 1, 1959, this Act shall be in full force and effect with respect to all municipalities having a population of 5,000 or more persons according to the last preceding federal decennial census. The provisions of Article 36 of Chapter 160 of the General Statutes of North Carolina shall remain in full force and effect with respect to such municipalities as an alternative procedure until June 30, 1961. From and after July 1, 1961, all the provisions of Article 36 of Chapter 160 of the General Statutes of North Carolina, with the exception of Section 160-452 as it exists at the time of the passage of this Act or as it may be amended at this Session of the General Assembly, shall be repealed. Insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

Sec. 12. The provisions of this Act shall not apply to the following counties: Columbus, Cumberland, Edgecombe, Franklin, Halifax, Harnett, Iredell, Nash, Pender, Perquimans, Person and Randolph.

Notwithstanding any other provisions of this Act, Article 36 of Chapter 160 of the General Statutes of North Carolina and specifically G. S. 160-452, as the same may be rewritten or amended, shall remain in full force and effect as to the counties herein named.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 508 CHAPTER 1010

AN ACT PROVIDING A PROCEDURE FOR THE EXTENSION OF MUNICIPAL CORPORATE LIMITS IN MUNICIPALITIES HAVING A POPULATION OF LESS THAN 5,000 PERSONS.

The General Assembly of North Carolina do enact:

Section 1. Declaration of Policy. It is hereby declared as a matter of State policy:

(a) That sound urban development is essential to the continued economic development of North Carolina;

(b) That municipalities are created to provide the governmental services essential for sound urban development and for the protection of health, safety and welfare in areas being intensively used for residential, commercial, industrial, institutional and government purposes or in areas undergoing such development;

(c) That municipal boundaries should be extended, in accordance with legislative standards applicable throughout the State, to include such areas and to provide the high quality of governmental services needed therein for the public health, safety and welfare; and

(d) That new urban development in and around municipalities having a population of less than 5,000 persons tends to be concentrated close to the municipal boundary rather than being scattered and dispersed as in the vicinity of larger municipalities, so that the legislative standards governing annexation by smaller municipalities can be simpler than those for large municipalities and still attain the objectives set forth in this Section;

(e) That areas annexed to municipalities in accordance with such uniform legislative standards should receive the services provided by the annexing municipality as soon as possible following annexation.

Sec. 2. Authority to Annex. The governing board of any municipality having a population of less than 5,000 persons according to the last Federal decennial census may extend the corporate limits of such municipality under the procedure set forth in this Act.

Sec. 3. Prerequisites to Annexation: Ability to Serve. A municipality exercising authority under this Act shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the public hearing provided for in Section 5 of this Act, prepare a report setting forth such plans to provide services to such area. The report shall include:

(a) A map or maps of the municipality and adjacent territory to show the following information:

(1) The present and proposed boundaries of the municipality.

(2) The proposed extensions of water mains and sewer outfalls to serve the annexed area, if such utilities are operated by the municipality.

(b) A statement showing that the area to be annexed meets the requirements of Section 4 of this Act.

(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans shall:

(1) Provide for extending police protection, fire protection, garbage collection and street maintenance services to the area to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation. If a water distribution system is not available in the area to be annexed, the plans must call for reasonably effective fire protection services until such time as water lines are made available in such area under existing municipal policies for the extension of water lines.

(2) Provide for extension of water mains and sewer lines into the area to be annexed so that property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect in such municipality for extending water and sewer lines to individual lots or subdivisions. If the municipality must, at its own expense, extend water and/or sewer mains into the area to be annexed before property owners in the area can, according to municipal policies, make

such connection to such lines, then the plans must call for contracts to be let and construction to begin on such lines within one year following the effective date of annexation.

(3) Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.

Sec. 4. Character of Area to be Annexed. (a) A municipal governing board may extend the municipal corporate limits to include any area which meets the general standards of subsection (b), and which meets the requirements of subsection (c).

(b) The total area to be annexed must meet the following standards:

(1) It must be adjacent or contiguous to the municipality's boundaries at the time the annexation proceeding is begun.

(2) At least one-eighth of the aggregate external boundaries of the area must coincide with the municipal boundary.

(3) No part of the area shall be included within the boundary of another incorporated municipality.

(c) The area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which is so developed that at least sixty per cent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional or governmental purposes, and is subdivided into lots and tracts such that at least sixty per cent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental or institutional purposes, consists of lots and tracts five acres or less in size.

(d) In fixing new municipal boundaries, a municipal governing board shall, wherever practical, use natural topographic features such as ridge lines and streams and creeks as boundaries, and if a street is used as a boundary, include within the municipality developed land on both sides of the street.

Sec. 5. Procedure for Annexation. (a) Notice of Intent. Any municipal governing board desiring to annex territory under the provisions of this Act shall first pass a resolution stating the intent of the municipality to consider annexation. Such resolution shall describe the boundaries of the area under consideration and fix a date for a public hearing on the question of annexation, the date for such public hearing to be not less than thirty days and not more than sixty days following passage of the resolution.

(b) Notice of Public Hearing. The notice of public hearing shall

(1) Fix the date, hour and place of the public hearing.

(2) Describe clearly the boundaries of the area under consideration.

(3) State that the report required in Section 3 of this Act will be available at the office of the municipal clerk at least fourteen days prior to the date of the public hearing. Such notice shall be given by publication in a newspaper having general circulation in the municipality once a week for at least four successive weeks prior to the date of the hearing. The period from the date of the first publication to the date of the last publication, both dates inclusive, shall be not less than twenty-two days

including Sundays, and the date of the last publication shall be not more than seven days preceding the date of public hearing. If there be no such newspaper, the municipality shall post the notice in at least five public places within the municipality and at least five public places in the area to be annexed for thirty days prior to the date of public hearing.

(c) Action Prior to Hearing. At least fourteen days before the date of the public hearing, the governing board shall approve the report provided for in Section 3 of this Act, and shall make it available to the public at the office of the municipal clerk. In addition, the municipality may prepare a summary of the full report for public distribution.

(d) Public Hearing. At the public hearing a representative of the municipality shall first make an explanation of the report required in Section 3 of this Act. Following such explanation, all persons resident or owning property in the territory described in the notice of public hearing, and all residents of the municipality, shall be given an opportunity to be heard.

(e) Passage of the Annexation Ordinance. The municipal governing board shall take into consideration facts presented at the public hearing and shall have authority to amend the report required by Section 3 of this Act to make changes in the plans for serving the area proposed to be annexed so long as such changes meet the requirements of Section 3. At any regular or special meeting held no sooner than the seventh day following the public hearing and not later than sixty days following such public hearing, the governing board shall have authority to adopt an ordinance extending the corporate limits of the municipality to include all, or such part, of the area described in the notice of public hearing which meets the requirements of Section 4 of this Act and which the governing board has concluded should be annexed. The ordinance shall:

(1) Contain specific findings showing that the area to be annexed meets the requirements of Section 4 of this Act. The external boundaries of the area to be annexed shall be described by metes and bounds. In showing the application of Section 4(c) and 4(d) to the area, the governing board may refer to boundaries set forth on a map of the area and incorporate same by reference as a part of the ordinance.

(2) A statement of the intent of the municipality to provide services to the area being annexed as set forth in the report required by Section 3 of this Act.

(3) A specific finding that on the effective date of annexation the municipality will have funds appropriated in sufficient amount to finance construction of any water and sewer lines found necessary in the report required by Section 3 to extend the basic water and/or sewer system of the municipality into the area to be annexed, or that on the effective date of annexation the municipality will have authority to issue bonds in an amount sufficient to finance such construction. If authority to issue such bonds must be secured from the electorate of the municipality prior to the effective date of annexation, then the effective date of annexation shall be no earlier than the day following the statement of the successful result of the bond election.

(4) Fix the effective date of annexation. The effective date of annexation may be fixed for any date within twelve months from the date of passage of the ordinance.

(f) Effect of Annexation Ordinance. From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. The newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of annexation. If the effective date of annexation falls between January 1 and June 30, the municipality shall, for purposes of levying taxes for the fiscal year beginning July 1 following the date of annexation, obtain from the county a record of property in the area being annexed which was listed for taxation as of said January 1. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then businesses in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

(g) Simultaneous Annexation Proceedings. If a municipality is considering the annexation of two or more areas which are all adjacent to the municipal boundary but are not adjacent to one another, it may undertake simultaneous proceedings under authority of this Act for the annexation of such areas.

(h) If, not earlier than one year from the effective date of annexation, and not later than fifteen months from the effective date of annexation, any person owning property in the annexed territory shall believe that the municipality has not followed through on its service plans adopted under the provisions of Sections 3(c) and 5(e), such person may apply for a writ of mandamus under the provisions of Article 40, Chapter 1 of the General Statutes. Relief may be granted by the Judge of Superior Court (1) if the municipality has not provided the services set forth in its plan submitted under the provisions of Section 3(c) (1) on substantially the same basis and in the same manner as such services were provided within the rest of the municipality prior to the effective date of annexation, and (2) if at the time the writ is sought such services set forth in the plan submitted under the provisions of Section 3 (c)(1) are still being provided on substantially the same basis and in the same manner as on the date of annexation of the municipality. Relief may also be granted by the Judge of Superior Court (1) if the plans submitted under the provisions of Section 3(c)(3) require the construction of major trunk water mains and sewer outfall lines and (2) if contracts for such construction have not yet been let. It a unit is issued, costs in the action, including a reasonable attorney's fee for such aggrieved person, shall be charged to the municipality.

Sec. 6. Appeal. (a) Within thirty days following the passage of an annexation ordinance under authority of this Act, any person owning property in the annexed territory who shall believe that he will suffer

material injury by reason of the failure of the municipal governing board to comply with the procedure set forth in this Act or to meet the requirements set forth in Section 4 of this Act as they apply to his property may file a petition in the Superior Court of the county in which the municipality is located seeking review of the action of the governing board.

(b) Such petition shall explicitly state what exceptions are taken to the action of the governing board and what relief the petitioner seeks. Within five days after the petition is filed with the court, the person seeking review shall serve copies of the petition by registered mail, return receipt requested, upon the municipality.

(c) Within fifteen days after receipt of the copy of the petition for review, or within such additional time as the court may allow, the municipality shall transmit to the reviewing court (1) a transcript of the portions of the municipal journal or minute book in which the procedure for annexation has been set forth and (2) a copy of the report setting forth the plans for extending services to the annexed area as required in Section 3 of this Act.

(d) If two or more petitions for review are submitted to the court, the court may consolidate all such petitions for review at a single hearing, and the municipality shall be required to submit only one set of minutes and one report as required in subsection (c).

(e) At any time before or during the review proceeding, any petitioner or petitioners may apply to the reviewing court for an order staying the operation of the annexation ordinance pending the outcome of the review. The court may grant or deny the stay in its discretion upon such terms as it deems proper, and it may permit annexation of any part of the area described in the ordinance concerning which no question for review has been raised.

(f) The court shall fix the date for review of annexation proceedings under this Chapter, which review date shall preferably be within thirty days following the last day for receiving petitions to the end that review shall be expeditious and without unnecessary delays. The review shall be conducted by the court without a jury. The court may hear oral arguments and receive written briefs, and may take evidence intended to show either (1) that the statutory procedure was not followed or (2) that the provisions of Section 3 were not met, or (3) that the provisions of Section 4 have not been met.

(g) The court may affirm the action of the governing board without change, or it may

(1) Remand the ordinance to the municipal governing board for further proceedings if procedural irregularities are found to have materially prejudiced the substantive rights of any of the petitioners.

(2) Remand the ordinance to the municipal governing board for amendment of the boundaries to conform to the provisions of Section 4 if it finds that the provisions of Section 4 have not been met; provided, that the court cannot remand the ordinance to the municipal governing board with directions to add area to the municipality which was not included in the notice of public hearing and not provided for in plans for service.

(3) Remand the report to the municipal governing board for amendment of the plans for providing services to the end that the provisions of Section 3 of this Act are satisfied. If any municipality shall fail to take action in accordance with the court's instructions upon remand within three months from receipt of such instructions, the annexation proceeding shall be deemed null and void.

(h) Any party to the review proceedings, including the municipality, may appeal to the Supreme Court from the final judgment of the Superior Court under rules of procedure applicable in other civil cases. The appealing party may apply to the Superior Court for a stay in its final determination, or a stay of the annexation ordinance, whichever shall be appropriate, pending the outcome of the appeal to the Supreme Court; provided, that the Superior Court may, with the agreement of the municipality, permit annexation to be effective with respect to any part of the area concerning which no appeal is being made and which can be incorporated into the city without regard to any part of the area concerning which an appeal is being made.

(i) If part or all of the area annexed under the terms of an annexation ordinance is the subject of an appeal to the Superior or Supreme Court on the effective date of the ordinance, then the ordinance shall be deemed amended to make the effective date with respect to such area the date of the final judgment of the Superior or Supreme Court, whichever is appropriate, or the date the municipal governing board completes action to make the ordinance conform to the court's instructions in the event of remand.

Sec. 7. Annexation Recorded. Whenever the limits of a municipality are enlarged in accordance with the provisions of this Act, it shall be the duty of the mayor of the municipality to cause an accurate map of such annexed territory, together with a copy of the ordinance duly certified, to be recorded in the office of the register of deeds of the county or counties in which such territory is situated and in the office of the Secretary of State.

Sec. 8. Authorized Expenditures. Municipalities initiating annexations under the provisions of this Act are authorized to make expenditures for surveys required to describe the property under consideration or for any other purpose necessary to plan for the study and/or annexation of unincorporated territory adjacent to the municipality. In addition, following final passage of the annexation ordinance, the annexing municipality shall have authority to proceed with expenditures for construction of water and sewer lines and other capital facilities and for any other purpose calculated to bring services into the annexed area in a more effective and expeditious manner prior to the effective date of annexation.

Sec. 9. Definitions. The following terms where used in this Act shall have the following meanings, except where the context clearly indicates a different meaning:

(a) "Contiguous area" shall mean any area which, at the time annexation procedures are initiated, either abuts directly on the municipal boundary or is separated from the municipal boundary by a street or street

right of way, a creek or river, the right of way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina.

(b) "Used for residential purposes" shall mean any lot or tract five acres or less in size on which is constructed a habitable dwelling unit.

Sec. 10. Land Estimates. In determining degree of land subdivision for purposes of meeting the requirements of Section 4 of this Act, the municipality shall use methods calculated to provide reasonably accurate results. In determining whether the standards set forth in Section 4 have been met on appeal to the Superior Court under Section 6 of this Act, the reviewing court shall accept the estimates of the municipality:

(a) As to total area if the estimate is based on an actual survey, or on county tax maps or records, or on aerial photographs, or on some other reasonably reliable map used for official purposes by a governmental agency unless the petitioners on appeal demonstrate that such estimates are in error in the amount of five per cent (5%) or more.

(b) As to degree of land subdivision, if the estimates are based on an actual survey, or on county tax maps or records, or on aerial photographs, or on some other reasonably reliable source, unless the petitioners on appeal show that such estimates are in error in the amount of five per cent (5%) or more.

Sec. 11. Effect on Other Laws. From and after July 1, 1959, this Act shall be in full force and effect with respect to all municipalities having a population of less than 5,000 persons according to the last preceding Federal decennial census. The provisions of Article 36 of Chapter 160 of the General Statutes of North Carolina shall remain in full force and effect with respect to such municipalities as an alternative procedure until June 30, 1961. From and after July 1, 1961, all the provisions of Article 36 of Chapter 160 of the General Statutes of North Carolina, with the exception of Section 160-452 as it exists at the time of the passage of this Act or as it may be amended at this Session of the General Assembly, shall be repealed. Insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

Sec. 12. The provisions of this Act shall not apply to the following counties: Alleghany, Cumberland, Edgecombe, Franklin, Halifax, Harnett, Iredell, Nash, Pender, Perquimans, Person and Randolph.

Notwithstanding any other provisions of this Act, Article 36 of Chapter 160 of the General Statutes of North Carolina and specifically G. S. 160-452, as the same may be rewritten or amended, shall remain in full force and effect as to the counties herein named.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 776 **CHAPTER 1011**

AN ACT TO AMEND G. S. 103-4 SO AS TO DESIGNATE NOVEMBER 11TH AS VETERANS DAY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 103-4, as the same appears in the 1958 Replacement Volume 2C, is amended by inserting after the comma following the word "November" and before the word "Tuesday" in line 5, the following: "to be known as Veterans Day,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 820 **CHAPTER 1012**

AN ACT TO AMEND CHAPTER 135 OF THE GENERAL STATUTES, RELATING TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, SO AS TO PERMIT COVERAGE OF EMPLOYEES OF CERTAIN LICENSING AND EXAMINING BOARDS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 135 of the General Statutes is hereby amended by adding a new Section, immediately following G. S. 135-1, to be designated as G. S. 135-1.1, and to read as follows:

"G. S. 135-1.1. Licensing and Examining Boards. Any State board or agency charged with the duty of administering any law relating to the examination and licensing of persons to practice a profession, trade or occupation, in its discretion, may elect, by an appropriate resolution of said board, to cause its employees to become members of the Teachers' and State Employees' Retirement System. Such Retirement System coverage shall be conditioned on such board's paying all of the employer's contributions or matching funds from funds of the board and on such board's collecting from its employees the employees' contributions, at such rates as may be fixed by law and by the regulations of the Board of Trustees of the Retirement System, all of such funds to be paid to the Retirement System and placed in the appropriate funds. Retroactive coverage of the employees of any such board may also be effected to the extent that such board requests provided the board pays all of the employer's contributions or matching funds necessary for such purpose and provided said board collects from its employees all employees' contributions necessary for such purpose, computed at such rates and in such amount as the Board of Trustees of the Retirement System determines, all of such funds to be paid to the Retirement System, together with such interest as may be due, and placed in the appropriate funds."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 902 CHAPTER 1013

AN ACT TO AMEND G. S. 58-44 TO ELIMINATE THE REQUIREMENT THAT BID BONDS BE COUNTERSIGNED BY RESIDENT INSURANCE AGENTS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 58-44, as the same appears in the 1957 Cumulative Supplement to Volume 2B of the General Statutes, be and the same is hereby amended by changing the period at the end of the first sentence of said Section to a semicolon and inserting immediately following said semicolon the following:

"provided, however, that this Section shall not apply to bid bonds issued by any such company in connection with any public or private building or construction project."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 904 CHAPTER 1014

AN ACT TO AMEND CHAPTER 8, PUBLIC-LOCAL LAWS OF 1931, CREATING AND ESTABLISHING THE SALISBURY-ROWAN COUNTY PEACE OFFICERS' PROTECTIVE ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. Section 2, Chapter 8, Public-Local Laws of 1931, is amended by adding the following at the end thereof:

"Provided, that the term 'Peace Officers', as used herein shall also be deemed to include all members of the State Highway Patrol empowered to make arrests and assigned to active duty in the enforcement of the State Motor Vehicle Laws in Rowan County, and residing in said county. Whenever any such State highway patrolman is transferred from Rowan County to another district, his eligibility for benefits under this Act shall cease and terminate. Provided, that any State highway patrolman who is transferred from Rowan County and is later reassigned for duty in said county shall become again eligible for benefits under such terms and conditions as may be determined by the executive board, which is hereinafter created.

"Provided further, that if any State highway patrolman becomes a member of the Salisbury-Rowan County Peace Officers' Protective Association, as provided for in this Act, he shall not be eligible for retirement or pension benefits until he completes twenty years of service as a State highway patrolman in Rowan County and is a member of said association during such period of time.

"Provided further, that any active peace officer of Rowan County who has heretofore served in Rowan County in excess of fifteen (15) years shall be eligible to receive credit for the entire length of service upon payment of all dues for said period of service; provided said payment is made on or before January 1, 1960."

Sec. 2. Chapter 8, Public-Local Laws of 1931, is further amended as follows:

(a) By striking out the words, "other than courts of a Justice of the Peace," appearing in lines two and three of Section 6 thereof, and by striking out the comma appearing at the end of said words; and,

(b) By striking out the words "Provided, however, that such Officers' Emergency Fee of One Dollar shall not be taxed in the costs in cases of violation of city ordinances, or in any case wherein a justice of the peace has final concurrent jurisdiction", appearing in the last sentence of the first paragraph of Section 6 thereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 913 CHAPTER 1015

AN ACT TO AUTHORIZE VETERANS GUARDIANS AND GENERAL GUARDIANS TO DEPOSIT FUNDS BELONGING TO THEIR WARDS IN FEDERALLY INSURED BANKS AT INTEREST.

The General Assembly of North Carolina do enact:

Section 1. G. S. 34-13 is hereby amended by adding immediately following G. S. 34-13 (4) a new subsection to be numbered G. S. 34-13 (5) reading as follows:

"(5) By depositing the funds either in a savings account in any federally insured bank in North Carolina or by purchasing a certificate of deposit issued by any federally insured bank in North Carolina."

Sec. 2. G. S. 36-1 is hereby amended by adding at the end thereof the following paragraph:

"Guardians, executors, administrators and others acting in a fiduciary capacity may invest surplus funds belonging to their wards in a savings account or accounts in any federally insured bank in North Carolina or in a certificate or certificates of deposit issued by any federally insured bank in North Carolina."

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 931 CHAPTER 1016

AN ACT AMENDING G. S. 115-146 SO AS TO PROVIDE THAT PRINCIPALS AND TEACHERS IN THE PUBLIC SCHOOLS MAY USE REASONABLE FORCE IN THE EXERCISE OF LAWFUL AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-146 be and the same is hereby amended by adding at the end thereof a new paragraph reading as follows:

"Principals and teachers in the public schools of this State may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order. No county or city board of education or district committee shall promulgate or continue in effect a rule, regulation or bylaw which prohibits the use of such force as is specified in this Section."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 963 CHAPTER 1017

AN ACT AMENDING THE CODE OF CRIMINAL PROCEDURE SO AS TO PROVIDE THAT THE DEFENDANT MAY APPEAL FROM A SUSPENDED SENTENCE UNDER THE SAME RULES AS FROM ANY OTHER JUDGMENT IN A CRIMINAL CASE.

The General Assembly of North Carolina do enact:

Section 1. That Article 18, Chapter 15 of the General Statutes, entitled "Criminal Procedure" be and the same is hereby amended by adding a new Section immediately following G. S. 15-180 to be designated as G. S. 15-180.1 and reading as follows:

"§ 15-180.1. In all criminal cases in the inferior courts and in the Superior Courts of this State a defendant may appeal from a suspended sentence under the same rules as from any other judgment in a criminal case. The purpose of this Act is to provide that by giving notice of appeal the defendant does not waive his acceptance of the terms of suspension of sentence. Instead, by giving notice of appeal, the defendant takes the position that there is error of law in his conviction."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 976 CHAPTER 1018

AN ACT TO AMEND G. S. 14-401.5 RELATING TO THE PRACTICE OF PHRENOLOGY IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. The last sentence of G. S. 14-401.5, as the same appears in the 1957 Supplement to the General Statutes, is amended by inserting after the comma following the word "Ashe" and before the word "Bertie", in line 2, the word and punctuation "Avery,"; by inserting after the comma following the word "Davidson" and before the word "Duplin", in line 4, the word and punctuation "Davie,"; by inserting after the comma following the word "Martin" and before the word "Mecklenburg", in line 6, the word and punctuation "McDowell,"; and by inserting after the comma following the word "Scotland" and before the word "Transylvania", in line 8, the word and punctuation "Surry,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1016 CHAPTER 1019

AN ACT TO AMEND G. S. 35-40 RELATING TO THE MEMBERSHIP OF THE EUGENICS BOARD OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 35-40 as it appears in the 1957 Cumulative Supplement to Volume 2A of the General Statutes of North Carolina is amended as follows:

(a) By deleting from subsection (3) in line 8 of G. S. 35-40 the words and punctuation "not located in Raleigh,".

(b) By rewriting subsection (4) thereof to read as follows:

"The chief medical officer of the State Hospitals Board of Control."

(c) By inserting a period after the word "Carolina" in the last line of G. S. 35-40 and deleting the words "not located in Raleigh."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1020 **CHAPTER 1020**

AN ACT TO AMEND G. S. 135-20 SO AS TO MAKE CLEAR THE LEGISLATIVE INTENT THAT JUSTICES OF THE PEACE AND TOWNSHIP CONSTABLES ARE NOT SUBJECT TO SOCIAL SECURITY COVERAGE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 135-20 is hereby amended by striking out the period at the end of the second line of subdivision (3), inserting a comma in lieu thereof, and adding the following words: "but does not include a justice of the peace or a township constable or any other judicial or law enforcement officer elected or appointed on a township basis.".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1046 **CHAPTER 1021**

AN ACT AMENDING G. S. 106-266.21 TO REQUIRE EVIDENCE OF SALE OF MILK BELOW COST, RATHER THAN MERE ALLEGATION THEREOF, IN ORDER TO MAKE PRIMA FACIE CASE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-266.21, 1957 Supplement to the General Statutes, is hereby amended by striking from the second sentence thereof the following words: "a verified complaint, alleging on personal knowledge or on information and belief of the complainant that the respondent has made a sale or sales in violation of this Section, shall be received in evidence and"; and substituting in lieu thereof the following: "evidence of sale of milk by a distributor or sub-distributor or retailer below cost".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1069 **CHAPTER 1022**

AN ACT TO AMEND G. S. 47-108.11 RELATING TO VALIDATION OF RECORDED INSTRUMENTS WHERE SEALS HAVE BEEN OMITTED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-108.11, as the same appears in the 1957 Cumulative Supplement to the General Statutes is amended by changing the words "January 1, 1933" in the second paragraph to "January 1, 1959".

Sec. 2. This Act shall not apply to pending litigation or to any instruments now directly or indirectly involved in pending litigation.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1080 CHAPTER 1023

AN ACT STRIKING OUT THE LAST SENTENCE OF THE EXCEPTION CONTAINED IN SECTION 1, CHAPTER 205, PRIVATE LAWS OF 1929, AND REPEALING ALL OF CHAPTER 191, PRIVATE LAWS OF 1933 AND ALL OF CHAPTER 647, SESSION LAWS OF 1947, RELATING TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the last sentence of the exception contained in Section 1, Chapter 205, Private Laws of 1929, reading as follows: "Excepting all of the lands of the Asheville Country Club, Inc.", be and the same is hereby stricken out.

Sec. 2. That all of Chapter 191, Private Laws of 1933, and all of Chapter 647, Session Laws of 1947, be and the same is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1084 CHAPTER 1024

AN ACT TO AMEND SUBSECTION D OF SECTION ONE HUNDRED THIRTY—SEVENTEEN (130—17 (d)) OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE PUBLICATION OF RULES AND REGULATIONS ADOPTED, AMENDED OR ALTERED BY LOCAL BOARDS OF HEALTH.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-17 (d) of the General Statutes of North Carolina is hereby amended by adding after the word "and" and before the word "published" in line four of said subsection the following:

"a statement setting out the title of such rules and regulations together with a statement indicating that the same have been adopted, amended, or altered, and that a copy is posted at the courthouse door of each county within the jurisdiction of the said board of health and that a copy is on file in the office of each health department under the jurisdiction of the said board of health shall be".

Sec. 1½. The provisions of this Act shall not apply to Franklin County, and all the provisions of paragraph 130-17 (d) as the same appears in 1958 Replacement Volume 3-B of the General Statutes shall remain in full force and effect in said county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1093

CHAPTER 1025

AN ACT TO AMEND G. S. 136-19 AND TO ADD A NEW ARTICLE TO CHAPTER 136 OF THE GENERAL STATUTES RELATING TO CONDEMNATION PROCEDURE APPLICABLE TO THE STATE HIGHWAY COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. That Section 136-19 of the General Statutes, as the same appears in Volume 3B (Replacement 1958) of the General Statutes, be and the same is hereby amended by deleting the second, third and fourth paragraphs of said Section, and substituting in lieu thereof the following:

"Whenever the Commission and the owner or owners of the lands, materials, and timber required by the Commission to carry on the work as herein provided for, are unable to agree as to the price thereof, the Commission is hereby vested with the power to condemn the lands, materials, and timber and in so doing the ways, means, methods, and procedure of Article 9 of this Chapter shall be used by it exclusively."

Sec. 2. That a new Article be added to Chapter 136 of the General Statutes to be designated Article 9 and to read as follows:

"ARTICLE 9

CONDEMNATION

§ 136-103. Institution of Action and Deposit. In case condemnation shall become necessary the State Highway Commission shall institute a civil action by filing in the Superior Court of any county in which the land is located a complaint and a declaration of taking declaring that such land, easement, or interest therein is thereby taken for the use of the Highway Commission. Said declaration shall contain or have attached thereto the following:

1. A statement of the authority under which and the public use for which said lands is taken.

2. A description of the entire tract or tracts affected by said taking sufficient for the identification thereof.

3. A statement of the estate or interest in said land taken for public use and a description of the area taken sufficient for the identification thereof.

4. The names and addresses of those persons who the Highway Commission is informed and believes may have or claim to have an interest in said lands, so far as the same can by reasonable diligence be ascertained and if any such persons are infants, non compos mentis, under any other disability, or their whereabouts or names unknown, it must be so stated.

5. A statement of the sum of money estimated by said Commission to be just compensation for said taking.

Said complaint shall contain or have attached thereto the following:

1. A statement of the authority under which and the public use for which said lands is taken.

2. A description of the entire tract or tracts affected by said taking sufficient for the identification thereof.

3. A statement of the estate or interest in said land taken for public use and a description of the area taken sufficient for the identification thereof.

4. The names and addresses of those persons who the Highway Commission is informed and believes may have or claim to have an interest in said lands, so far as the same can by reasonable diligence be ascertained and if any such persons are infants, non compos mentis, under any other disability, or their whereabouts or names unknown, it must be so stated.

5. A statement as to such liens or other encumbrances as the Commission is informed and believes are encumbrances upon said real estate and can by reasonable diligence be ascertained.

6. A prayer that there be a determination of just compensation in accordance with the provisions of this Article.

The filing of said complaint and said declaration of taking shall be accompanied by the deposit of the sum of money estimated by said Highway Commission to be just compensation for said taking and upon the filing of said complaint and said declaration of taking and deposit of said sum, summons shall be issued and together with a copy of said complaint and said declaration of taking and notice of the deposit be served upon the person named therein in the manner now provided for the service of process in civil actions. The Commission may amend the declaration of taking and increase the amount of its deposit with the Court at any time while the proceeding is pending, and the owner shall have the same rights of withdrawal of this additional amount as set forth in Section 136-105 of this Chapter.

§ 136-104. Vesting of Title and Right of Possession. Upon the filing of the complaint and the declaration of taking and deposit in Court, to the use of the person entitled thereto, of the amount of the estimated compensation stated in the declaration, title to said land or such other interest therein specified in the complaint and the declaration of taking, together with the right to immediate possession thereof shall vest in the State Highway Commission and the judge shall enter such orders in the cause as may be required to place the Highway Commission in possession, and said land shall be deemed to be condemned and taken for the use of the Highway Commission and the right to just compensation therefor shall vest in the person owning said property or any compensable interest therein

at the time of the filing of the complaint and the declaration of taking and deposit of the money in Court, and compensation shall be determined and awarded in said action and established by judgment therein.

§ 136-105. Disbursement of Deposit. Any time prior to the expiration of two years from service of summons, the person named in the complaint and declaration of taking may apply to the Court for disbursement of the money deposited in the Court, or any part thereof, as full compensation, or as a credit against just compensation without prejudice to further proceedings in the cause to determine just compensation. Upon such application, the judge shall, unless there is a dispute as to title, order that the money deposited be paid forthwith to the person entitled thereto in accordance with the application. The judge shall have power to make such orders with respect to encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.

§ 136-106. Answer, Reply and Plat. (a) Any person whose property has been taken by the Highway Commission by the filing of a complaint and a declaration of taking, may within the time hereinafter set forth file an answer to the complaint praying for a determination of just compensation. Said answer shall, in addition, contain the following:

1. Such admissions or denials of the allegations of the complaint as are appropriate.

2. The names and addresses of the persons filing said answer, together with a statement as to their interest in the property taken.

3. Such affirmative defenses or matters as are pertinent to the action.

(b) A copy of the answer shall be served on the Director of Highways, State Highway Commission, in Raleigh, provided that failure to serve the answer shall not deprive the answer of its validity. The affirmative allegations of said answer shall be deemed denied. The Highway Commission may, however, file a reply within thirty (30) days from receipt of a copy of the answer.

(c) The Highway Commission, within sixty (60) days from the filing of the answer shall file in the cause a plat of the land taken and such additional area as may be necessary to properly determine the damages, and a copy thereof shall be mailed to the parties.

§ 136-107. Time for Filing Answer. Any person named in and served with a complaint and declaration of taking shall have twelve (12) months from the date of service thereof to file answer. Failure to answer within said time shall constitute an admission that the amount deposited is just compensation and shall be a waiver of any further proceeding to determine just compensation; in such event the judge shall enter final judgment in the amount deposited and order disbursement of the money deposited to the owner. For good cause shown and upon notice to the Highway Commission the judge may within the initial twelve months' period extend the time for filing answer for a period not to exceed an additional six (6) months.

§ 136-108. Determination of Issues Other than Damages. After the filing of the plat, the judge, upon motion and ten (10) days' notice by either the Highway Commission or the owner, shall, either in or out of term, hear and determine any issue raised by the pleadings other than the

issue of damages, including, if controverted, questions of necessary and proper parties, title to the land, interest taken, and area taken.

§ 136-109. Appointment of Commissioners. (a) Upon request of the owner in the answer, or motion by either the Highway Commission or the owner within sixty (60) days after filing of answer, and after the determination of other issues as provided in Section 136-108 of this Chapter, the Clerk shall appoint three competent, disinterested freeholders residing in the county to go upon the property and under oath appraise the damage to the land sustained by reason of the taking and report same to the Court within a time certain. If no request or motion is made for the appointment of commissioners within the time permitted, the cause shall be transferred to the civil issue docket for trial at term as to the issue of just compensation.

(b) Such commissioners, if appointed, shall have the power to make such inspection of the property, hold such hearings, swear such witnesses, and take such evidence as they may, in their discretion, deem necessary, and shall file into Court a report of their determination of the damages sustained.

(c) Said report of commissioners shall in substance be in written form as follows:

TO THE SUPERIOR COURT OF ..... COUNTY

We, ..., ... and ....., Commissioners appointed by the Court to assess the damages that have been and will be sustained by ....., the owner of certain land lying in ..... County, North Carolina, which has been taken by the State Highway Commission for highway purposes, do hereby certify that we convened, and, having first been duly sworn, visited the premises, and took such evidence as was presented to us, and after taking into full consideration the quality and quantity of the land and all other facts which reasonably affect its fair market value at the time of the taking, we have determined the fair market value of the part of the land taken to be the sum of $..... and the damage to the remainder of the land of the owner by reason of the taking to be the sum of $..... (if applicable).

We have determined the general and special benefits resulting to said owner from the construction of the highway to be the sum of $..... (if applicable).

GIVEN under our hands, this the ..... day of ....., 19.....

.....(SEAL)

.....(SEAL)

.....(SEAL)

(d) A copy of the report shall at the time of filing be mailed to each of the parties. Within thirty (30) days after the filing of the report, either the Commission or the owner, may except thereto and demand a trial de novo by a jury as to the issue of damages. Whereupon the action shall be placed on the civil issue docket of the Superior Court for trial de novo by a jury at term as to the issue of damages, provided, that upon agreement of both parties trial by jury may be waived and the issue determined by

the judge. The report of commissioners shall not be competent as evidence upon the trial of the issue of damages in the Superior Court, nor shall evidence of the deposit by the Commission into the Court be competent upon the trial of the issue of damages. If no exception to the report of commissioners is filed within the time prescribed final judgment shall be entered by the judge upon a determination and finding by him that the report of commissioners, plus interest computed in accordance with Section 136-114 of this Chapter, awards to the property owners just compensation. In the event that the judge is of the opinion and, in his discretion, determines that such award does not provide just compensation he shall set aside said award and order the case placed on the civil issue docket for determination of the issue of damages by a jury.

§ 136-110. Parties. The judge may appoint some competent attorney to appear for and protect the rights of any party or parties in interest who are unknown, or whose residence is unknown and who has not appeared in the proceeding by an attorney or agent. The judge shall appoint guardians ad litem for such parties as are minors, incompetents, or other parties who may be under a disability and without general guardian, and the judge shall have the authority to make such additional parties as are necessary to the complete determination of the proceeding and enter such other orders either in law or equity as may be necessary to carry out the provisions of this Article.

§ 136-111. Remedy Where No Declaration of Taking Filed. Any person whose land or compensable interest therein has been taken by the Highway Commission and no complaint and declaration of taking has been filed by said Highway Commission may, within twelve (12) months of the completion of highway project for which the land was taken, file a complaint in the Superior Court setting forth the names and places of residence of the parties, so far as the same can by reasonable diligence be ascertained, who own or have, or claim to own or have, estates or interests in the said real estate and if any such persons are under a legal disability, it must be so stated, together with a statement as to any encumbrances on said real estate; said complaint shall further allege with particularity the facts which constitute said taking together with the dates that they allegedly occurred; said petition shall describe the property allegedly owned by said parties and shall describe the area and interests allegedly taken. Upon the filing of said complaint, summons shall issue and together with a copy of said complaint be served on the Director of Highways. The allegations of said complaint shall be deemed denied; however, the Highway Commission within thirty (30) days of service of summons and complaint may file answer thereto, and if said taking is admitted by the Highway Commission, it shall, at the time of filing answer, deposit with the Court the estimated amount of compensation for said taking and notice of said deposit shall be given to said owner. Said owner may apply for disbursement of said deposit and disbursement shall be made in accordance with the applicable provisions of Section 136-105 of this Chapter. The

procedure hereinbefore set out shall be followed for the purpose of determining all matters raised by the pleadings and the determination of just compensation.

§ 136-112. Measure of Damages. The following shall be the measure of damages to be followed by the commissioners, jury or judge who determines the issue of damages.

(1) Where only a part of a tract is taken, the measure of damages for said taking shall be the difference between the fair market value of the entire tract immediately prior to said taking and the fair market value of the remainder immediately after said taking, with consideration being given to any special or general benefits resulting from the utilization of the part taken for highway purposes.

(2) Where the entire tract is taken the measure of damages for said taking shall be the fair market value of the property at the time of taking.

§ 136-113. Interest as a Part of Just Compensation. To said amount awarded as damages by the commissioners or a jury or judge, the judge shall, as a part of just compensation, add interest at the rate of six per cent (6%) per annum on said amount from the date of taking to the date of judgment; but interest shall not be allowed from the date of deposit on so much thereof as shall have been paid into court as provided in this Article.

§ 136-114. Additional Rules. In all cases of procedure under this Article where the mode or manner of conducting the action is not expressly provided for in this Article or by the statute governing civil procedure or where said civil procedure statutes are inapplicable the judge before whom such proceeding may be pending shall have the power to make all the necessary orders and rules of procedure necessary to carry into effect the object and intent of this Chapter and the practice in such cases shall conform as near as may be to the practice in other civil actions in said Courts.

§ 136-115. Definitions. For the purpose of this Article (1) the word "Judge" shall mean the Resident Judge of the Superior Court in the district where the cause is pending, or Special Judge residing in said district, or the Judge of the Superior Court assigned to hold the courts of said district or the Emergency Judge holding court in the county where the cause is pending. (2) The words "person", "owner", and "party" shall include the plural; and the words "Highway Commission" shall mean the State Highway Commission.

§ 136-116. Final Judgments. Final judgments entered in actions instituted under the provisions of this Article shall contain a description of the property affected, together with a description of the property and estate or interest acquired by the Commission and a copy of said judgment shall be certified to the Register of Deeds in the county in which the land or any part thereof lies and be recorded among the land records of said county.

§ 136-117. Payment of Compensation. If there are adverse and conflicting claimants to the deposit made into the Court by the Highway Commission or the additional amount determined as just compensation, on

which final judgment is entered in said action, the judge may direct the full amount determined to be paid into said Court by the Highway Commission and may retain said cause for determination of who is entitled to said moneys and may by further order in the cause direct to whom the same shall be paid and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made.

§ 136-118. Agreements for Entry. The provision of this Article shall not prevent the Highway Commission and the owner from entering into a written agreement whereby the owner agrees and consents that the Highway Commission may enter upon his property without filing the summonses, the complaint and declaration of taking as herein provided and the Highway Commission shall have the same rights under such agreement with the owner in carrying on work on such project as it would have by having filed a summons, complaint and a declaration of taking as provided in this Article.

§ 136-119. Costs and Appeal. The Highway Commission shall pay all court costs taxed by the Court. Either party shall have a right of appeal to the Supreme Court for errors of law committed in any proceedings provided for in this Article in the same manner as in any other civil actions and it shall not be necessary that an appeal bond be posted.

§ 136-120. Entry for Surveys. The State Highway Commission without having filed a complaint and a declaration of taking as provided in this Article is authorized to enter upon any lands and structures upon lands to make surveys, borings, soundings or examinations as may be necessary in carrying out and performing its duties under this Chapter, and such entry shall not be deemed a trespass, or taking within the meaning of this Article; provided, however, that the Highway Commission shall make reimbursement for any damage resulting to such land as a result of such activities and the owner, if necessary, shall be entitled to proceed under the provisions of Section 136-111 of this Chapter to recover for such damage.

§ 136-121. Refund of Deposit. In the event the amount of the final judgment is less than the amount deposited by the Highway Commission pursuant to the provisions of this Article, the Highway Commission shall be entitled to recover the excess of the amount of the deposit over the amount of the final judgment and court costs incident thereto: Provided, however, in the event there are not sufficient funds on deposit to cover said excess the Highway Commission shall be entitled to a judgment for said sum against the person or persons having received said deposit."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed except that as to those actions or proceedings pending upon the effective date of this Act or to any takings or causes of actions arising prior to the effective date of this Article the present provisions of the law shall remain in full force and effect until such actions or proceedings are concluded.

Sec. 4. The provisions of this Article shall not apply to any actions or proceedings now pending or to any takings or causes of actions arising prior to the effective date of this Article which shall be July 1, 1960.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1094 CHAPTER 1026

AN ACT TO AMEND CHAPTER 47 OF THE GENERAL STATUTES TO PROVIDE FOR REGISTRATION OF A MORTGAGE OR DEED OF TRUST OF A LEASEHOLD INTEREST OR OTHER CHATTEL REAL TO BE REGISTERED IN THE COUNTY WHERE THE LAND LIES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 47 of the General Statutes is amended by adding a new Section immediately following G. S. 47-20.3, to be designated as G. S. 47-20.4, and to read as follows:

"G. S. 47-20.4. Place of Registration; Chattel Real. To be validly registered pursuant to G. S. 47-20, a deed of trust or mortgage of a leasehold interest or other chattel real must be registered in the county where the land involved lies, or if the land involved is located in more than one county, then the deed of trust or mortgage must be registered in each county where any portion of the land involved lies in order to be effective as to the land in that county."

Sec. 2. G. S. 47-20, as the same appears in the 1957 Supplement to the General Statutes, is amended by inserting immediately after the comma and before the word "or", in line 2, the words "or of a leasehold interest or other chattel real,".

Sec. 3. This Act shall not apply to instruments registered prior to the effective date of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1116 CHAPTER 1027

AN ACT VALIDATING AND CONFIRMING THE APPOINTMENT, ELECTION AND QUALIFYING OF THE MAYOR AND THE MEMBERS OF THE BOARD OF COMMISSIONERS AND OTHER OFFICERS OF THE TOWN OF HUNTERSVILLE AND ALL ACTIONS AND PROCEEDINGS TAKEN BY ANY SUCH MAYOR, BOARD OR OFFICER SUBSEQUENT TO THE 1957 REGULAR MUNICIPAL ELECTION FOR SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. All actions and proceedings heretofore had and taken subsequent to the 1957 regular municipal election in connection with the appointment, election or qualifying of the Mayor of the Town of Huntersville, a municipal corporation in the County of Mecklenburg, or of any member of the board of commissioners or any officer of said town and the

appointment or election and qualifying of any such mayor or of any such member of said board of commissioners or any such officer are hereby in all respects legalized, ratified, approved, validated and confirmed.

Sec. 2. All actions and proceedings heretofore had and taken subsequent to said 1957 regular municipal election by any such mayor or any such board of commissioners or any such officer including any elections called by and held pursuant to any such actions or proceedings are hereby in all respects legalized, ratified, approved, validated and confirmed.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1131 CHAPTER 1028

AN ACT PROVIDING FOR CHANGING THE NAMES OF THE SEVERAL STATE HOSPITALS AND TRAINING SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. (a) The name of the hospital heretofore known as "The State Hospital at Raleigh" is hereby changed to "Dorothea Dix Hospital".

(b) Wherever in the General Statutes the words "The State Hospital at Raleigh" appear, the same shall be stricken out and the words "Dorothea Dix Hospital" inserted in lieu thereof.

Sec. 2. (a) The name of the hospital heretofore known as "The State Hospital at Goldsboro" is hereby changed to "Cherry Hospital".

(b) Wherever in the General Statutes the words "The State Hospital at Goldsboro" appear, the same shall be stricken out and the words "Cherry Hospital" inserted in lieu thereof.

Sec. 3. (a) The name of the hospital heretofore known as "The State Hospital at Morganton" is hereby changed to "Broughton Hospital".

(b) Wherever in the General Statutes the words "The State Hospital at Morganton" appear, the same shall be stricken out and the words "Broughton Hospital" inserted in lieu thereof.

Sec. 4. (a) The name of the hospital heretofore known as "State Hospital at Butner" is hereby changed to "John Umstead Hospital".

(b) Wherever in the General Statutes the words "State Hospital at Butner" appear, the same shall be stricken out and the words "John Umstead Hospital" inserted in lieu thereof.

Sec. 5. (a) The name of the training school heretofore known as "Caswell Training School" is hereby changed to "Caswell School".

(b) Wherever in the General Statutes the words "Caswell Training School" appear, the same shall be stricken out and the words "Caswell School" inserted in lieu thereof.

Sec. 6. (a) The name of the training school heretofore known as "Butner Training School" is hereby changed to "Murdoch School".

(b) Wherever in the General Statutes the words "Butner Training School" appear, the same shall be stricken out and the words "Murdoch School" inserted in lieu thereof.

Sec. 7. (a) The name of the training school heretofore known as "Goldsboro Training School" is hereby changed to "O'Berry School".

(b) Wherever in the General Statutes the words "Goldsboro Training School" appear, the same shall be stricken out and the words "O'Berry School" inserted in lieu thereof.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1137 CHAPTER 1029

AN ACT AMENDING CHAPTER 552, SESSION LAWS OF 1957, THE SAME BEING THE CHARTER OF THE TOWN OF JEFFERSON, SO AS TO EXTEND THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 552, Session Laws of 1957, be and the same is hereby amended by adding to the boundaries of the Town of Jefferson so as to include therein an area bounded as follows:

"BEGINNING at a point in the West line of the present corporate limits, said point being located 1320 feet North of and 3960 feet West of the center of the courthouse; thence running West 660 feet; thence North 660 feet; thence East 660 feet to the West line of the present corporate limits, said point being located 660 feet South of the extreme northwest corner of the present corporate limits boundary line."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1139 CHAPTER 1030

AN ACT TO AMEND CHAPTER 334 OF THE PRIVATE LAWS OF 1907 RELATING TO THE CORPORATE LIMITS OF THE TOWN OF GARYSBURG.

The General Assembly of North Carolina do enact:

Section 1. Chapter 334, Private Laws of 1907, is amended so that the corporate limits of the Town of Garysburg, as defined in Section 2 of said Chapter, are hereby altered so as to exclude therefrom the following described territory:

"That territory lying North of a line beginning in the center of State Highway No. 46, at the western perimeter of the corporate limits of the

Town of Garysburg, thence in an easterly direction along the center of said highway to the center of the intersection of Hickory Street and said highway; thence continuing along said highway in an easterly direction to the center of the intersection of said highway and Highway No. 301; thence a continuation of the last call in an easterly direction to the eastern perimeter of the corporate limits."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1149 CHAPTER 1031

AN ACT TO AMEND G. S. 153-9 (47) TO PROVIDE FOR THE EMPLOYMENT OF A PLUMBING INSPECTOR IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9, subsection 47, as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by adding immediately following the comma after the word "Buncombe" and immediately preceding the word "Durham", in the first line of the second paragraph of said subsection, the word "Cumberland,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1173 CHAPTER 1032

AN ACT TO AMEND ARTICLE 2, SECTION 4(b) OF CHAPTER 107 PRIVATE LAWS OF 1931, RELATING TO THE CHARTER OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. Article 2, Section 4(b) of Chapter 107 of the Private Laws of 1931 be and the same is hereby amended by adding at the end thereof the following:

EMINENT DOMAIN

1. Condemnation Procedure; Interest Acquired.

The City of High Point shall possess the power of eminent domain, and may acquire, either by purchase or condemnation, any land, right of access, right of way, water right, privilege, easement, or any other interest in or relating to land or water, either within or beyond the city limits, including and limited to a right of way in and across lands owned

or held as right of way by a railroad or other public utility company (provided that the operation of such railroad or other public utility company may not be impaired unreasonably thereby), for any lawful public use or purpose. Unless otherwise expressly provided in the condemnation resolution, a fee simple title shall pass to the city upon the condemnation of any such interest. In any case where the owner of land to be condemned or of any interest therein is a minor, an insane person, or otherwise under any disability, any notice hereinafter required by this Article to be served upon such owner shall be served upon his guardian, and service upon such guardian shall be sufficient without service on the minor, insane person, or person under disability. Thereafter such guardian may exercise on behalf of his ward with respect to such condemnation proceeding all the powers conferred upon such person as owner. Water rights or other interests relating to water may be condemned under the procedure set forth in this Article for the condemnation of land and interests therein.

2. Effort to Purchase Not Required.

It shall not be necessary to the condemnation by the city of any land or interest therein, whether pursuant to this Article or otherwise, that the city shall have attempted to acquire the needed land by grant or purchase prior to the commencement of condemnation proceedings.

3. Resolution Proposing Condemnation.

(a) When any land required by the city for any purpose allowed by this charter or the general law of the State is proposed to be condemned under the specific provisions of this charter, the city council shall adopt a resolution which shall contain substantially the following provisions:

(1) A description of the land proposed to be condemned in fee, or the interest or easement proposed to be condemned.

(2) If there is any building or other property situated wholly or partly upon the land to be condemned, the determination of the city council as to whether the owner shall be allowed to remove such property or whether the same shall be condemned;

(3) A statement of the purpose for which said land or easement is proposed to be condemned;

(4) The name and address of the owner or owners of said land and of any other person or persons interested therein whom it is necessary to make a party to the proceeding;

(5) The name of a disinterested freeholder of the city appointed as appraiser by the city council;

(6) A notice that the owner or owners of said land, or interest therein, or a majority in interest of said owners, may, within five days after service of said resolution upon all of them, appoint one appraiser (who shall be a disinterested freeholder of the city) to represent them, the name of which appraiser shall be reported in writing to the city clerk within said five days;

(7) A notice that the appraiser appointed by the city and the appraiser appointed by the owner or owners, or if the owner or owners fail to appoint, then the two appraisers appointed by the city, shall appoint a third appraiser, and that the three thus appointed shall constitute a

board of appraisers, whose duty it shall be to determine the damages and benefits which will result from the condemnation of said land or easement or interest therein;

(8) A notice of the time fixed for the first meeting of the appraisers, and that said meeting will be held upon the premises to be condemned.

(b) It shall not be necessary to institute separate condemnation proceedings against the several owners of tracts or parcels of land affected by proposed local improvements.

4. Service of Resolution Proposing Condemnation.

A copy of the resolution proposing condemnation shall be personally served upon each of the owners of the land proposed to be condemned; provided, that if the resolution cannot be personally served upon any of the owners, then it may be served by publication once a week for two successive weeks in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, by posting in three public places in the city.

5. Failure of Owners to Appoint Appraiser.

If within five days after service of the resolution upon all of the owners, they or a majority in interest of them fail to appoint an appraiser and to report his name to the city clerk, the city council shall appoint a disinterested freeholder of the city to represent them.

6. Appointment of Third Appraiser; Oath.

The appraiser appointed by the city council, and the appraiser appointed by the owner or owners, or if the owner or owners fail to appoint, then the two appraisers appointed by the city council, shall appoint a third appraiser, who shall be a disinterested freeholder of the city, and shall report his name to the city clerk. Each appraiser shall take an oath or affirmation that he will fairly and impartially discharge his duties as an appraiser.

7. First Meeting of Appraisers.

At the time fixed by the resolution of condemnation, the appraisers shall meet on the premises proposed to be condemned. If for any reason a meeting cannot be held at the time fixed by the city council, then a meeting shall be held at another time fixed by the appraisers, in which case notice of the time and place of the meeting shall be personally served upon each of the owners of the land or easement proposed to be condemned, or if the notice cannot be personally served, it may be served by publication once a week for two successive weeks in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, by posting in three public places in the city. The notice, whether given personally, by publication, or by posting, shall be served not less than five days prior to the date of the hearing. At the first meeting the appraisers shall view the premises affected by the proposed condemnation; and shall hear, but need not reduce to writing, any evidence as to damages and benefits that will result from the proposed condemnation presented by the owners or by the city. The appraisers may make their report at or after the hearing or they may, in their discretion, hold subsequent meetings.

8. Subsequent Meetings; When Notice Required.

Subsequent meetings of the appraisers shall be held at such times and places as may be determined by them. Of such meetings no notice need be given either to the owners or to the city unless such meetings are to be public and for the purpose of hearing evidence. If held for such purpose, then unless such meeting is held at a time and place to which a former meeting of which the parties had lawful notice was adjourned, notice of the meeting shall be personally served upon all the parties, or, if such notice cannot be personally served, it may be served by publication once a week for two successive weeks in a newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, by posting in three public places in the city. The notice shall be served or publication or posting thereof completed not less than five days prior to the time fixed for the meeting.

9. Determination of Damages and Benefits; Report.

In determining the compensation to be paid by the city for the land or easement condemned, the appraisers shall take into consideration both the loss or damage which will result to the owners from the condemnation of the land or easement and the benefits that will result to any remainder of such land from the improvement for which the land or easement is to be condemned, the benefits to include both benefits or advantages special to the land and the benefits or advantages to the land in common with other lands affected by the improvement. The appraisers shall also take into consideration the value of any building or other property situated on the land proposed to be condemned if the owner is to be allowed to remove the building or other property, and the value thereof shall not be included in the compensation award. Having determined damages and benefits, the appraisers shall make their report to the city council, in which report the appraisers shall show separately the amount of damages, the amount of benefits, and the amount which shall be paid by the city if it finally condemns the land or easement. In the event the property condemned is subject to a recorded lease or leases, the appraisers shall apportion the award between or among the person or persons owning the fee or fees and the person or persons owning the leasehold interest or interests; but in no event shall the total of the amounts so apportioned exceed the value of the property were it not subject to a recorded lease or leases. The report shall be sufficient if it is concurred in by two of three appraisers. In the event that no two of the three appraisers can agree upon an appraisal, three new appraisers may be appointed in the same manner as the original appraisers, and the new appraisal board shall follow the same procedure as required of the orginal appraisal board.

10. Action of Council on Report.

Within thirty days after the report of the appraisers is submitted to the city council, the council shall determine what action it will take thereon. If the council determines to abandon the proposed condemnation, it shall adopt a resolution to that effect; but the abandonment of the condemnation shall not prevent the city council from thereafter instituting a proceeding

to condemn the same land or easement. If the council determines to condemn the land or easement, it shall adopt a resolution which shall contain substantially the following:

(1) A recital that a board of appraisers has been appointed to determine the compensation to be paid for the land or easement, as provided by this charter, and that the appraisers have submitted their report to the council;

(2) A statement of the amount of damages and benefits as fixed by the appraisers and of the compensation to be paid by the city for the land or easement condemned as fixed by the appraisers;

(3) The determination of the council as to the condemnation of the land or easement;

(4) A description of the land condemned in fee or of the easement condemned;

(5) A statement of the purpose for which the land or easement is condemned;

(6) The name of the owner or owners of the land and of other persons interested therein who were made parties to the proceeding;

(7) The determination of the council as to the time when the city will take possession of the land or easement condemned, and a direction that such premises shall be vacated by such time, and, in case the owner is allowed to remove any building or part thereof or any other property on the premises, a direction that such property shall be removed before said date and that if the owner fails to remove the same within said time, the council will have the same removed and the cost thereof shall be a lien upon the remainder of the property.

11. Vesting of Title in City.

The adoption by the city council of a final resolution of condemnation, as provided in the preceding Section shall have the effect of a judgment against the City of High Point for the amount of compensation fixed by the appraisers and shall vest in the city title to the land or easement condemned.

12. Appeal to Superior Court.

If upon the adoption by the city council of a final resolution of condemnation, either the owner of the land or easement condemned or the city council itself is dissatisfied with the amount of the compensation to be paid for such land or easement as fixed by the appraisers, such owner or the city or both may, within ten days from the date of adoption of such resolution, appeal to the Superior Court of Guilford County. The party or parties appealing shall, within ten days, give notice of appeal to the other party by personal service if practicable and, if not, by publication of a notice one time in a newspaper published in the city which is qualified to carry legal notices. The appeal or appeals shall not interfere with the vesting in the city of the title to the land or easement condemned or hinder the city in any way from proceeding with the improvements for which such land or easement was condemned, except that if the land or interest therein is owned by another public or quasi-public body, or by a railroad or public utility company, the vesting of title in the city shall

not become effective until the court has rendered final judgment on the question of whether the condemnation by the city is in the public interest, and has determined the amount of compensation to be awarded for the condemnation, in which case the court may, in its discretion, reduce the amount of land or interest therein which it shall allow to be condemned.

13. Record upon Appeal.

Upon an appeal taken by either party, the city clerk shall certify a copy of the record in the condemnation proceeding to the Superior Court of Guilford County, and such appeal shall be tried as other actions at law. The record upon appeal shall be composed of the preliminary resolution of condemnation, the oath of appraisers, the report of appraisers, the final resolution of condemnation, and the notice or notices of appeal. The record upon appeal, or any part thereof, shall be competent as evidence upon the trial of an appeal.

14. Condemnation before Determination of Compensation.

When, in the judgment of the city council, the public interest requires that the city enter into immediate possession of any land, it shall adopt a resolution stating such necessity and the reason therefor, and condemning the required land or easement, and providing for the determination of the compensation to be paid by the city for the land or easement. The procedure therefor with respect to determination of such compensation shall follow as closely as practicable the provisions of this Article, or of the provisions of general law concerning "Eminent Domain." This Section shall not apply to land, or interests therein, owned by another public or quasi-public body, or railroad or public utility company.

15. Registration of Condemnation Proceedings.

In any case where any land or any easement therein has been or may hereafter be condemned by the city council, a copy of so much of the condemnation proceedings as may be necessary to show the land or easement therein condemned and the condemnation thereof shall be certified by the city clerk and the same, upon being probated by the Clerk of the Superior Court, or other person authorized by law to probate instruments for registration, shall be registered in the office of the Register of Deeds of Guilford County.

16. Sale or Other Disposition of Land Condemned.

When any land condemned in fee by the city is no longer needed for the purpose for which it was condemned, the same may be used by the city for any other public purpose or may be sold or otherwise disposed of.

17. Removal by City of Structures on Condemned Land; Lien.

When property upon which any building or other structure is wholly or partly located is condemned by the city under the provisions of this charter or any other law, and the owner is allowed to remove such building or structure or part thereof, the city council may, after the report of the appraisers has been made, name the time within which the owner may remove the building or structure, or part thereof, and if the owner fails to remove the same within said time, the council may remove the same and the cost thereof shall be a lien upon the remainder of said land, or such cost may be recovered by the city in any court of competent jurisdiction.

18. Procedure Not Exclusive.

The condemnation procedure set forth in this Article shall not be exclusive, but shall be in addition to any other procedure provided by law.

19. Procedure Not Applicable Outside of Guilford County.

The condemnation procedure set forth in Article 2 of Chapter 40 of the General Statutes of North Carolina and not the procedure set forth in this Article shall be applicable to the exercise of the power of eminent domain by the city for the condemnation of any land, right of access, right of way, water right, privilege, easement, or any other interest in or relating to land or water which is or are located outside of the geographic boundaries of Guilford County.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1195 CHAPTER 1033

AN ACT CREATING THE CARTERET COUNTY PLANNING COMMISSION, PROVIDING FOR ITS ORGANIZATION POWERS AND DUTIES AND CONFERRING UPON THE BOARD OF COUNTY COMMISSIONERS AND THE GOVERNING BODIES OF THE SEVERAL MUNICIPALITIES IN CARTERET COUNTY THE POWER AND AUTHORITY TO ADOPT AND ENFORCE COMPREHENSIVE REGULATIONS PROVIDING FOR THE ORDERLY GROWTH AND SOUND DEVELOPMENT OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Planning Commission Created; Membership; Terms of Office; Compensation. There is hereby created a Planning Commission for Carteret County which shall be known as the "Carteret County Planning Commission". The Planning Commission shall be composed of nine members who shall be appointed as follows: Four members shall be appointed by the Board of County Commissioners of Carteret County to represent the entire county. One member shall be appointed by the governing bodies of each of the five following municipalities: Morehead City, Beaufort, Atlantic Beach, Newport and Emerald Isle. Members of the Planning Commission shall be appointed for three-year terms; provided that the members first appointed in the year 1959 shall serve for terms as follows: Of the members first appointed by the Board of County Commissioners two members shall be appointed to serve for terms of three years, one member for a term of two years and one member for one year. The two members first appointed by the governing bodies of Morehead City and Beaufort shall be appointed to serve for three-year terms, the two members first appointed by the governing bodies of Newport and Atlantic Beach shall serve for a term of two years and the member first appointed

by the governing body of Emerald Isle shall serve for a term of one year. Thereafter, all members shall serve for a term of three years. The terms of the members first appointed shall begin on October 1, 1959. Any member shall be eligible for reappointment. The governing body appointing any member shall have the authority to remove such member at any time after filing written notice with the Planning Commission. Any vacancy in the membership of the Commission shall be filled by the appropriate governing body for the unexpired term. Members of the Planning Commission shall serve without compensation except in the discretion of the Planning Commission, members may be reimbursed for necessary travel expenses outside the county while engaged in the work of the Commission.

Sec. 2. Organization of Planning Commission. On the date and at the time designated by the Board of County Commissioners but not later than October 15, 1959, the members of the Planning Commission appointed by the several governing bodies as provided for in Section 1 of this Act shall meet at the Carteret County Courthouse and organize the Commission as follows: The Commission shall elect from among its members a chairman, a vice chairman and a secretary-treasurer, and such other officers as it may deem necessary for such terms of office as the Commission may prescribe. The Commission shall adopt such rules and regulations not inconsistent with this Act as it may deem necessary for the proper discharge of its duties. The Commission may establish and the chairman may appoint such committees as the work of the Commission may require. The Commission shall meet regularly, at least once every two months at the places and on the dates as determined by the Commission. Special meetings may be called by the chairman, and the chairman shall be required to call a special meeting of the Commission when requested to do so in writing by three or more members of the Commission. All members shall be notified in writing by the chairman of the time and place of regular or special meetings at least five days in advance of such meeting. All meetings of the Commission shall be open to the public.

Sec. 3. Commission's Fiscal Affairs. The Commission shall by agreement of its members determine the amount of funds to be appropriated annually to the Commission for its work by the county and the amount of funds to be appropriated annually by each municipality represented on the Commission. The Commission shall distribute to the county and to each member municipality during the month of May each year a statement of the proposed appropriations for the fiscal year for each governmental unit. The county and each municipality represented on the Commission shall, not later than June 1st each year, notify the Commission in writing of its acceptance or rejection of the amount of funds requested to be appropriated to the Commission for the ensuing fiscal year. In determining the proportionate share of the annual cost to be borne by the county and the several municipalities, the Commission may use any reasonable method that they may deem best.

The Commission in carrying out its functions may accept, receive and disburse any funds or grants made available by the Federal Government

and its agencies, the State Government and its agencies, the county or any municipality therein and funds from private or other sources.

The Commission shall annually prepare and adopt during the month of June a budget for the fiscal year beginning on July 1. Copies of the Commission's budget shall be distributed to the county and to each municipality. The budget may be amended from time to time during the year by a vote of a majority of all members of the Commission. The Commission shall keep accurate records of all receipts and disbursements and shall prepare an annual report of its activities including a financial statement which shall be distributed to the county and each municipality. Copies of this annual report may be made available for further distribution as the Commission may determine.

Carteret County and each municipality within Carteret County which is represented on the Planning Commission is hereby granted the authority to appropriate nontax funds and to annually levy taxes for the payment of funds to the Planning Commission for its support as a special purpose in addition to any allowed by the Constitution.

Sec. 4. Contract for Services. The Planning Commission is hereby authorized to enter into and carry out contracts for services which shall include but shall not be limited to the following: (a) State and Federal Government. The Commission may enter into and carry out contracts with the State or Federal Government or any agencies thereof under which said government or agencies grant financial or other assistance. The Commission may accept such assistance or funds as may be granted by the State or the Federal Government with or without such a contract, and the Commission may agree to and comply with any reasonable conditions which are imposed upon such grants. (b) County and Municipal Government. The Commission may enter into and carry out contracts with any city, county or joint planning board or boards under which it agrees to pay such other planning board or boards for technical planning assistance. In addition, the Commission may enter into and carry out contracts with any city, county or joint planning board or boards under which it agrees to furnish technical planning assistance to such other planning board or boards. (c) Consultants. The Commission may enter into and carry out contracts with consultants, planners, engineers and others for such services as it may deem necessary. (d) Staff. The Commission may enter into and carry out a contract with or employ such secretarial or staff assistance as it may deem necessary. (e) Office. The Commission is authorized to enter into an agreement or contract with any government or agency thereof or with any person, firm or corporation for the use or rental of such office space or other facilities as the Commission may require.

Sec. 5. Powers and Duties of Commission. It shall be the duty of the Commission to make comprehensive studies of the present and future needs of the county with the general purpose of guiding and providing for the coordinated and orderly growth and sound physical development of the county that will best promote the health, safety, convenience, prosperity and general welfare of all the people within the county.

In guiding and providing for the orderly growth and sound physical development of the county, the Planning Commission shall prepare and adopt a comprehensive plan or plans for the future development of the county which shall be known as the "Carteret County Development Plan". The County Development Plan or parts thereof when adopted by the Planning Commission shall be recommended to the Board of County Commissioners or to the governing bodies of the several municipalities, if appropriate, for adoption or other action necessary to implement such plan or part thereof. The County Development Plan shall include the following:

(1) Zoning Plan. The zoning plan shall include a plan for the zoning and regulation of buildings and other structures and the use of land, other than for farming, in areas outside the zoning jurisdiction of municipalities. If the Planning Commission determines it is not necessary to zone the entire county or recommends the zoning by the county of an area or areas within the corporate boundaries of municipalities, the Planning Commission may prepare and recommend such plans in accordance with Section 6 of this Act. Any zoning plan prepared for the county or any part thereof shall include both the full text of a zoning ordinance and a map or maps showing proposed district boundaries.

(2) Subdivision Regulations. Subdivision regulations shall include a recommended ordinance regulating the platting and recording of any subdivision of land as defined in Section 7(7) of this Act, lying within the county and outside the subdivision regulation jurisdiction of any municipality. Any such subdivision regulation ordinance shall be prepared in accordance with Section 7 of this Act.

(3) Major Highway Plan. The major highway plan shall include a coordinated plan for the location, construction, extension or improvement of major highways and streets within the county and the several municipalities. The major highway plan shall be based upon surveys or studies designed to indicate the future vehicular traffic needs of the county or parts thereof and shall be prepared in cooperation with the State Highway Commission and the several municipalities affected by such plan.

(4) Resource Plan. The resource plan shall include a plan for encouraging the development and expansion of the commercial, industrial and agricultural resources of the county. Such plan may include an inventory of the resources of the county and recommendations for meeting existing and emerging problems of commerce, industry or agriculture affecting the economic development of the county.

(5) Public Facilities Plan. The public facilities plan shall include a coordinated plan or plans for the development, expansion and extension of public facilities including but not limited to plans for primary and secondary schools, hospitals, port and harbor facilities, governmental service and utility facilities, public recreation facilities, flood control and pollution control facilities, water resources and air transportation facilities which are deemed important to the development of the entire county.

The County Development Plan or parts thereof may from time to time be revised, amended or enlarged in accordance with the provisions of this Act as the Planning Commission deems necessary and desirable.

The Planning Commission is hereby authorized to undertake or engage in the following activities:

(1) Building Codes. The Commission may prepare and recommend for adoption to the appropriate governing body, building, plumbing, electrical and such other similar regulatory codes not inconsistent with the codes or laws of the State of North Carolina as they may deem necessary.

(2) Assistance to Municipalities. The Commission may provide technical planning assistance including surveys, studies and recommended plans or provide other planning services to the municipalities in the county.

(3) The Commission may engage in any other general planning activity designed to carry out the intent and purpose of this Act.

It shall be the duty of the Planning Commission to cooperate and consult with the municipalities, the appropriate departments, agencies and instrumentalities of the Federal, State and county governments; public and private institutions and organizations and with other individuals and groups in guiding and accomplishing the coordinated planning for the development of the entire county.

It shall be the duty of the Planning Commission prior to the adoption by the Commission of any zoning plan, subdivision regulations, major highway plan or public facilities plan to advertise and conduct a public hearing concerning such plan or plans. At such hearing, an explanation shall be made of the proposed plan or plans and every interested person shall be given the opportunity to be heard concerning such proposals. The method of advertising such hearing shall be determined by the Commission. The Planning Commission may advertise and hold public hearings concerning any proposal under consideration when it is deemed expedient.

Sec. 6. County Authorized to Adopt Zoning Ordinance. (1) Grant of power. For the purpose of promoting health, safety, morals, or the general welfare, the Board of Commissioners of Carteret County is hereby empowered to regulate and restrict (a) the height, number of stories, and size of buildings and other structures, (b) the percentage of lot that may be occupied, (c) the size of yards, courts, and other open spaces, (d) the density of population, and (e) the location and use of buildings, structures, and land for trade, industry, residence or other purposes, except farming. No such regulations shall affect bona fide farms, but any use of such property for non-farm purposes shall be subject to such regulations. Such regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained.

(2) Districts. For any and all said purposes, the Board of Commissioners may divide the county, or portions of it as determined in accordance with the provisions of subsection (4) of this Section, into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this Section; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration,

repair, or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

(3) Purposes in view. Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county. Such regulations shall further be made with reasonable consideration to expansion and development of municipalities within the county, so as to provide for the orderly growth and development of such municipalities.

(4) Territory subject to zoning; zoning areas. The county zoning ordinance may regulate all territory in the county outside the zoning jurisdiction of any municipalities within the county. In addition, the county zoning ordinance may regulate territory within the zoning jurisdiction of any municipality whose governing body, by resolution, agrees to such regulation; provided, however, that any such municipal governing body may, upon one year's written notice, withdraw its approval of the county zoning regulations, and those regulations shall have no further effect within the municipality's jurisdiction.

Where the Board of Commissioners determines that it is not necessary to zone the entire county in order to serve the public interest, the board may, after a public hearing, designate one or more portions of the county as a zoning area or areas. Any such area or areas may be regulated in the same manner as if the entire county were zoned, and the remainder of the county need not be regulated. No zoning area may be designated which is less than 640 acres in area, or which contains less than ten separate tracts of land in separate ownership.

(5) Planning Commission; advisory committees. In order to avail itself of the powers conferred by this Section, the Planning Commission shall have made recommendations concerning the zoning of the county or parts thereof to the Board of County Commissioners as provided for elsewhere in this Act. If the Board of Commissioners creates one or more zoning areas within the county under the provisions of subsection (4) of this Section, it shall also appoint an advisory committee for each such zoning area, composed of residents of the area. Each advisory committee shall be charged with the duty of making recommendations to the Planning Commission and the Board of Commissioners concerning zoning regulations for its area.

(6) On receipt of a zoning plan from the County Planning Commission, the Board of Commissioners shall hold a public hearing thereon,

after which it may adopt the zoning ordinance and map as recommended, adopt it with modifications, or reject it.

The zoning ordinance, including the map or maps, may from time to time be amended, supplemented, changed, modified, or repealed. No amendment shall become effective unless it first be submitted to the Planning Commission for its recommendations; failure of the Planning Commission to make recommendations for a period of 30 days after the amendment has been referred to it shall constitute a favorable recommendation. No amendment may be adopted until after a public hearing thereon.

(7) Public hearings. Whenever in this Section a public hearing is required, all parties in interest and other citizens shall be given an opportunity to be heard. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in the county.

(8) Board of adjustment. If it exercises the powers granted by this Section, the Board of Commissioners shall provide for the appointment of a board of adjustment consisting of five members, each to be appointed for three years; provided, that the Board of Commissioners in the appointment of the orginal members of such board, or in the filling of vacancies caused by the expiration of the terms of the existing members of any such board, may make appointments of certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The Board of Commissioners may, in its discretion, appoint not more than two alternate members to serve on such board in the absence, for any cause, of any regular members. Such alternate member or members shall be appointed for the same term or terms as regular members, and shall be appointed in the same manner as regular members and at the regular times for appointment. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent.

Such board of adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to this Section. Such appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the county. Such appeal shall be taken within such time as shall be prescribed by the board of adjustment by general rule, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of

adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. The board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

The zoning ordinance may provide that the board of adjustment may permit special exceptions to the zoning regulations in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified in the ordinance. The ordinance may also authorize the board to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of the ordinance. The board shall hear and decide all such matters referred to it or upon which it is required to pass under any such ordinance.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinance, the board of adjustment shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of an ordinance adopted pursuant to this Section, or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance, or to grant a variance from the provisions of such ordinance. Every decision of such board shall be subject to review by the Superior Court by proceedings in the nature of certiorari.

(9) Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Section or of any ordinance or other regulation made under authority conferred hereby, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings (a) to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; (b) to restrain, correct, or abate such violation; (c) to prevent the occupancy of said building, structure, or land; or (d) to prevent any illegal act, conduct, business, or use in or about such premises.

(10) Conflict with other laws. Wherever the regulations made under authority of this Section require a greater width or size of yards or courts, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance

or regulation, the provisions of the regulations made under authority of this Act shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Act, the provisions of such statute or local ordinance or regulation shall govern.

(11) Section applicable to buildings constructed by State and its subdivisions. All of the provisions of this Section and any ordinance adopted pursuant hereto are hereby made applicable to the erection and construction of buildings by the State of North Carolina and its political subdivisions.

Sec. 7. County Authorized to Adopt Subdivision Regulations. (1) Board of Commissioners as platting authority. The Board of County Commissioners of Carteret County is hereby authorized to enact an ordinance regulating the platting and recording of any subdivision of land, as defined by this Section, lying within the county and outside the subdivision-regulation jurisdiction of any municipality. Such ordinance may also regulate territory within the subdivision-regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulation; provided, however, that any such municipal governing body may, upon one year's written notice, withdraw its approval of the county subdivision regulations, and those regulations shall have no further effect within the municipality's jurisdiction.

(2) Procedure for adopting subdivision ordinance. Before the County Commissioners may adopt a subdivision control ordinance or any amendment thereto under the provisions of this Section, the Planning Commission shall recommend and the Board of County Commissioners shall hold a public hearing on the proposed ordinance. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in the county.

(3) Subdivision regulations. The county shall not regulate the platting and recording of subdivisions in any manner other than through the adoption of an ordinance pursuant to the provisions of this Section. Such ordinance may provide for the orderly development of the county; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of rights of way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding and which shall create conditions essential to public health, safety, and the general welfare.

Such ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground and location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

(4) Procedure for filing plat. Any subdivision ordinance adopted pursuant to this Section shall contain provisions setting forth the procedures to be followed in granting or denying approval of a subdivision plat prior to its registration. Such ordinance shall give the following agencies an opportunity to make recommendations prior to the approval of any individual subdivision plat:

(a) The district highway engineer as to proposed streets, highways, and drainage systems;

(b) The county health director as to proposed water and sewerage systems;

(c) The county school superintendent as to proposed school sites;

(d) Such other agencies and officials as the County Commissioners may deem necessary or desirable.

The ordinance may provide that final approval of each individual subdivision plat is to be given by (a) the Board of County Commissioners, (b) the Board of County Commissioners on recommendation of the County Planning Commission, or (c) the County Planning Commission.

From and after the time that a subdivision ordinance is filed with the register of deeds of the county, no subdivision plat of land within the county's subdivision-regulation jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the appropriate board, as specified in the subdivision ordinance, and until such approval shall have been entered on the face of the plat in writing by the chairman of said board. The register of deeds shall not file a plat of a subdivision of land located within the territorial jurisdiction of the County Commissioners as defined in subsection (1) of this Section which has not been approved in accordance with these provisions, nor shall the Clerk of the Superior Court order or direct the recording of a plat where such recording would be in conflict with this subsection. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision-regulation jurisdiction of the Board of County Commissioners.

(5) Effect of plat approval on status of dedications. The approval of a plat pursuant to regulations adopted under this Section shall not be deemed to constitute or effect the acceptance by the county or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

(6) Penalties for transferring lots in unapproved subdivisions. If the Board of County Commissioners adopts an ordinance regulating the subdivision of land as authorized herein any person who, being the owner or agent of the owner of any land located within the platting jurisdiction granted to the County Commissioners by subsection (1) of this Section, thereafter transfers or sells such land by reference to a plat showing a subdivision of land before such plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process

of selling or transferring shall not exempt the transaction from such penalties. The county, through its county attorney or other official designated by the Board of County Commissioners, may enjoin such illegal transfer or sale by action for injunction.

(7) Definitions. For the purpose of this Section, the following definition shall apply:

Subdivision. A "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions, for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Section: (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision ordinance; (2) the division of land into parcels greater than five acres where no street right of way dedication is involved; (3) the public acquisition by purchase of strips of land for the widening or opening of streets; (4) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right of way dedication is involved and where the resultant lots are equal to or exceed the standards of the county as shown in its subdivision ordinance.

Sec. 8. County Authorized to Adopt Major Highway Plan. The Board of County Commissioners of Carteret County is hereby authorized to adopt an official county plan for the location, construction, extension or improvement of major highways within the county. The Board of Commissioners are hereby authorized to enter into an agreement with the State Highway Commission and the several municipalities in the county for the joint adoption of a coordinated system of major highways and streets within the county. The Board of Commissioners is hereby authorized to exercise any power or authority that may be now or hereafter granted to the county by general law or special Act in providing for the acquisition of rights of way or the construction or improvement of roads, highways and bridges that is deemed necessary and desirable in establishing and implementing a coordinated major highway plan for the county.

Sec. 9. County Authorized to Adopt and Enforce Building Codes. The Board of County Commissioners is hereby authorized to adopt and enforce building, plumbing, electrical and other similar type regulatory codes concerned with the construction, alteration or repair of buildings or structures for the county outside the jurisdiction of municipalities. No such regulatory code or regulation adopted shall be less restrictive in its requirements than any code or regulation of the State of North Carolina or department or agency thereof which pertains to the same type of regulations or requirements. In addition, the county shall have the authority to enforce or assist with the enforcement of any building code or regulation of the State of North Carolina or any agency or department thereof in effect and applicable to Carteret County. The Board of Com-

missioners shall advertise and hold a public hearing in the manner they deem best prior to adopting any building code or other regulation authorized by this Section.

Sec. 10. County Authorized to Appoint Building Inspector. The Board of County Commissioners may appoint one or more building inspectors to serve at the will of the board, whose duties shall be: To enforce the State Building Code adopted under Article 9 of Chapter 143 of the General Statutes; to enforce any county building regulations adopted under G. S. 143-138(b) or 143-138(e); to enforce any county zoning ordinance or ordinances; to enforce any regulatory codes or other regulations adopted pursuant to this Act; to collect inspection fees determined by the Board of County Commissioners, which the board is hereby authorized to impose, and deliver same to the county treasurer; to furnish a surety bond approved by the Board of County Commissioners; and to carry out such related duties as may be specified by the Board of County Commissioners.

In lieu of appointing a separate building inspector, the Board of County Commissioners may designate as county building inspector: (a) A municipal building inspector of any municipality or municipalities within the county, with the approval of the municipal governing body; (b) the county fire marshal; (c) a county electrical inspector appointed under G. S. 160-122; (d) a county plumbing inspector appointed under G. S. 153-9(47); or (e) any other person or persons whom they deem to be qualified.

The Board of County Commissioners may pay a building inspector a fixed salary or may in lieu thereof reimburse him for his services by paying over any inspection fees which he collects. The Board of County Commissioners may make necessary appropriations for the special purpose of paying the salary or salaries of county building inspectors and any expenses pertaining to building inspection.

The Board of County Commissioners may enter into and carry out contracts with any municipality or municipalities within the county, or with any other county or counties, under which the parties agree to support a joint building inspection department. The Board of County Commissioners and the municipal governing body may make any necessary appropriations for such a purpose.

On official request of the governing body of any municipality within the county, the Board of County Commissioners may direct the county building inspector to exercise his powers within said municipality, and he shall thereupon be empowered to do so until such time as the municipal governing body officially withdraws its request.

Sec. 11. County Authorized to Adopt Other County Plans. The Board of County Commissioners is hereby authorized to adopt as the official plan or plans of the county the "Carteret County Development Plan" or parts thereof or to adopt any other plan which has been prepared or approved and recommended by the Planning Commission. In order to implement any such plan adopted, the Board of County Commissioners is hereby authorized to exercise any power or authority that may now or hereafter be granted to the county by general law or special Act.

Sec. 12. Power and Authority of Municipalities. Municipalities in Carteret County are hereby authorized and empowered to exercise any and all planning, zoning, subdivision or other powers and authority that may now or hereafter be granted to municipalities by general law or special Act both within the corporate boundaries and outside the corporate boundaries within the area where municipalities have been granted extra-territorial jurisdiction. Nothing in this Act shall be interpreted so as to modify, limit or otherwise restrict any power or authority that may now or hereafter be granted to municipalities by general law or special Act. Provided, however, the governing bodies of the several municipalities in Carteret County are hereby directed to cooperate and coordinate all of these planning activities with the planning activities of the Carteret County Planning Commission and the Board of County Commissioners whenever and wherever it is possible and practical.

Sec. 13. This Act shall apply only to Carteret County.

Sec. 14. All laws and clauses of laws in direct conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1209 CHAPTER 1034

AN ACT TO EXEMPT BUNCOMBE COUNTY FROM THE PROVISIONS OF CHAPTER 346 OF THE SESSION LAWS OF 1957 RELATING TO SERVICE OF WARRANTS IN CRIMINAL ACTIONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 346 of the Session Laws of 1957 is hereby amended by inserting a new Section immediately following Section 1, to be designated Section 1½, and to read as follows:

"Sec. 1½. This Act shall not apply to Buncombe County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1301 CHAPTER 1035

AN ACT AUTHORIZING THE ONSLOW COUNTY BOARD OF EDUCATION TO CONVEY TO THE CITY OF JACKSONVILLE CERTAIN LANDS FOR RECREATIONAL PURPOSES.

WHEREAS, the qualified voters of the City of Jacksonville have recently approved a bond issue for recreational purposes; and

WHEREAS, the Onslow County Board of Education is the owner in fee simple of the lands hereinafter described, which lands constitute surplus property and are not needed for any school purpose; and

WHEREAS, the governing body of the City of Jacksonville and the Jacksonville Recreation Commission have agreed that said lands constitute a desirable location for a recreational park and are willing to place certain recreational facilities upon said lands, provided title to the property can be placed in the City of Jacksonville; and

WHEREAS, the Onslow County Board of Education agrees that it will be in the public interest to convey said lands to the City of Jacksonville for recreational purposes in consideration of benefits to be received by the community at large by the use of such lands for recreational purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That notwithstanding the provisions of G. S. 115-126, the Onslow County Board of Education be and it is hereby authorized and empowered to convey by good and sufficient deed to the City of Jacksonville, upon the sole consideration of the benefits accruing to the community at large, the following described lands and premises situate, lying, and being in the City of Jacksonville, Onslow County, North Carolina, and being bounded and more particularly described as follows:

"Tract No. 1 BEGINNING at an iron stake on the northern property line of South Drive said point being located South 86 degrees, 9 minutes West 792 feet and an arc distance of 65.2 feet on a radius of 317.55 feet from the western curb line of New River Drive; thence North 4 degrees West 150 feet to an iron stake; thence North 71 degrees 25 minutes West 125 feet to an iron stake; thence South 4 degrees East 150 feet to an iron stake, which is on the North property line of South Drive; thence South 71 degrees 25 minutes East along the property line of South Drive 125 feet more or less to an iron stake, the point of BEGINNING, containing 18,750 square feet more or less, according to a map prepared by the City of Jacksonville dated May 21, 1959, and duly recorded in the office of the Register of Deeds for Onslow County in Map Book 6 at Page 10.

"Tract No. 2 BEGINNING at an iron stake on Henderson Drive and the southeast corner of the Saint Anne's Episcopal Church and the northwest corner of the Northwoods Elementary School property, and runs North 89 degrees 45 minutes West 200 feet along the dividing line of two above-named properties to an iron stake; thence South 9 degrees 59 minutes East 150 feet to an iron stake; thence South 89 degrees 45 minutes East 200 feet to an iron stake on the West side of Henderson Drive; thence North 9 degrees 59 minutes West 150 feet along the West property line of Henderson Drive to the point of BEGINNING, containing .68 acres and being part of the Northwoods Elementary School property according to a map prepared by the City of Jacksonville dated June 3, 1959, and duly recorded in the office of the Register of Deeds for Onslow County in Map Book 6 at Page 20."

The deed of conveyance from the County Board of Education to the City of Jacksonville shall contain a provision to the effect that in case said

property shall cease to be used by the City of Jacksonville for recreational purposes, title to said lands shall immediately revert to and become the property of the Onslow County Board of Education.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1313 CHAPTER 1036

AN ACT TO AUTHORIZE A TRANSFER OF $18,000 IN FUNDS FROM THE CURRENT (1958-59) OPERATING BUDGET OF APPALACHIAN STATE TEACHERS COLLEGE IN ORDER TO SUPPLEMENT CAPITAL IMPROVEMENT FUNDS FOR AN ADDITION TO THE LIBRARY BUILDING AT SAID INSTITUTION.

WHEREAS, it has been found that Capital Improvement Funds heretofore appropriated for an addition to the College library at the Appalachian State Teachers College fail by the sum of eighteen thousand dollars ($18,000) to equal the lowest bid in spite of diligent efforts to obtain the lowest possible bid consistent with the necessary construction to be accomplished; and

WHEREAS, savings effected by the College in its operating budget during the 1957-59 biennium will far exceed the sum of eighteen thousand dollars ($18,000.00): Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Director of the Budget is hereby authorized to transfer from the appropriation made to Appalachian State Teachers College for maintenance and operation for the 1957-59 biennium the sum of eighteen thousand dollars ($18,000) and to add said sum to the Capital Improvements Appropriation, Code 64737, of the said institution for the purpose of supplementing sufficiently the sum needed to complete an addition to the library of the said College.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

H. B. 1317 **CHAPTER 1037**

AN ACT AUTHORIZING THE BURKE COUNTY BOARD OF EDUCATION AND THE TOWN OF MORGANTON TO MAKE AN EXCHANGE OF PARCELS OF REAL PROPERTY HAVING EQUAL APPRAISED VALUES, WITHOUT PUBLIC SALE.

The General Assembly of North Carolina do enact:

Section 1. That notwithstanding the provisions of G. S. 115-126 and G. S. 160-59, the Burke County Board of Education and the Town of Morganton are hereby authorized in their discretion to make an exchange of parcels of land having equal appraised values, and without public sale. Before such exchange shall be consummated, both parcels of land shall be appraised by three disinterested and competent appraisers and the report of the appraisers shall be made in writing, and a copy filed with the Burke County Board of Education and the governing body of the Town of Morganton and recorded on the minutes of each of said boards.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.

S. B. 351 **CHAPTER 1038**

AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS OF THE STATE TO PROVIDE FOR CAPITAL IMPROVEMENTS FOR STATE INSTITUTIONS AND AGENCIES AND STATE AID TO COMMUNITY COLLEGES AND FOR LOCAL HOSPITAL CONSTRUCTION, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known and may be cited as the "Capital Improvement State Voted Bond Act of 1959".

Sec. 2. That, subject to a vote of a majority of the qualified voters of the State who shall vote in an election called and held as hereinafter provided, the State Treasurer is hereby authorized, by and with the consent of the Governor and Council of State, to issue and sell, at one time or from time to time, bonds of the State, to be designated "State Educational Institutions Capital Improvement Bonds" in an aggregate principal amount not exceeding eighteen million, eight hundred ninety-one thousand dollars ($18,891,000), for the purpose of providing funds, with any other funds available therefor, for the construction of needed capital improvements at the State's educational institutions and agencies, as follows:

1. State Board of Education		$ 1,539,000
Industrial Education Centers Equipment	$ 1,491,000	
N. C. Vocational Textile School Addition to Building	48,000	

2.	University of North Carolina, Chapel Hill		$ 4,240,000
	Renovations of Laboratories Venable Hall	$ 140,000	
	Geology and Geography Building	750,000	
	Addition to Swain Hall	425,000	
	Addition to Hill Hall	485,000	
	Botany Building	750,000	
	Foreign Language Building	750,000	
	Additional Equipment for the Physics Building	65,000	
	Dormitories for 700 Students (50% of Cost)	875,000	
3.	University of North Carolina Health Affairs		1,090,000
	Classrooms for the School of Public Health	90,000	
	Public Health Building	1,000,000	
4.	State College of Agriculture and Engineering		4,799,000
	Replace Horticulture Greenhouses	150,000	
	Additional Steam Boiler	430,000	
	Cafeteria	481,000	
	Electrical Engineering and Physics Building	1,000,000	
	Classroom Building	1,000,000	
	General Laboratory Building	907,500	
	Addition to Polk Hall	830,500	
5.	Woman's College		520,000
	Alterations and Additions to Curry Building	364,300	
	Renovation to Dining Hall	155,700	
6.	East Carolina College		1,490,000
	Addition to Heating Plant	189,200	
	Improvements to Campus Electrical System	50,000	
	Addition to Graham Building	96,800	
	Addition to Flanagan Building	334,000	
	Addition to Infirmary	78,000	
	Renovate two Men's Dormitories for use by Women Students	117,000	
	Dormitory for 500 Students (50% of Cost)	625,000	

7. The Agricultural Technical College		$ 976,000
Annex to Hines Hall (Chemistry)	$ 450,000	
Renovations to Dudley Building and Equipment	100,000	
Agricultural Engineering Building	58,000	
General Classroom Building	218,000	
Athletic Fieldhouse near Physical Education Area	58,500	
Athletic Field Improvements and Physical Education Facilities	91,500	
8. Western Carolina College		$ 1,425,000
Campus Laboratory School and Equipment	750,000	
Addition to Physical Education Building	140,000	
Dormitory for 200 Students (50% of Cost)	250,000	
Dormitory for 200 Students (50% of Cost)	250,000	
Repair and Renovation of Stillwell (Classroom) Building	35,000	
9. Appalachian State Teachers College		1,577,000
Renovation of Dauph-Bland Hall	70,000	
Renovation of Administration Building	82,000	
Science Building	810,000	
Dormitory for 300 Students (50% of Cost)	375,000	
Expansion of Physical Education Facilities	240,000	
10. Pembroke State College		$ 250,000
Dormitory for 100 Students	250,000	
11. Winston-Salem Teachers College		150,000
Girls Dormitory—120 Students (50% of Cost)	150,000	
12. Elizabeth City State Teachers College		71,000
Expansion of Physical Education Facilities	11,000	
Communication System	10,000	
Five Faculty Houses	50,000	
13. State School for the Blind and the Deaf		179,000
White Department:		
Dormitory	142,400	
Cottage for Maids and Cooks	36,600	

14. Department of Administration:		
Budget Division		$ 500,000
Purchase of Land—		
Educational Institutions	$ 500,000	
15. Agricultural Experiment Station—		
State College		85,000
Headhouse and Greenhouse,		
Plant Pathology and Entomology	70,000	
Horticulture Crops Building,		
Central Crops Research Station	15,000	

Sec. 3. That, subject to a vote of a majority of the qualified voters of the State who shall vote in an election called and held as hereinafter provided, the State Treasurer is hereby authorized, by and with the consent of the Governor and Council of State, to issue and sell, at one time or from time to time, bonds of the State, to be designated "State Mental Institutions Capital Improvement Bonds", in an aggregate principal amount not exceeding twelve million, fifty-three thousand dollars ($12,053,000), for the purpose of providing funds, with any other funds available therefor, for the construction of needed capital improvements at the State's mental institutions, as follows:

1. State Hospital at Raleigh		$ 450,000
Renovation of Kirby Building	$ 100,000	
Renovation of Council Building	100,000	
Renovation of Female		
Wing—Main Building	250,000	
2. State Hospital at Goldsboro		2,467,000
Renovation of Main Hospital		
and Two Dormitories	72,000	
Improvements to Electrical Services	85,000	
Sewage Disposal Plant or Participation		
with City of Goldsboro	310,000	
Hospital and Administration Building	2,000,000	
3. Goldsboro Training School		1,252,000
Two Type "B" Dormitories,		
260 Beds Each	1,252,000	
4. State Hospital at Butner		1,800,000
Renovation of 5 Ward Buildings	1,800,000	
5. Butner Training School		1,225,000
Three Dormitories for Mentally		
Retarded Children (40 Bed)	453,000	
Two Dormitories for Mentally		
Retarded Children (149 Bed)	772,000	

6. Caswell Training School		$ 275,000
Sewage Disposal Plant or Participation with City of Kinston	$ 275,000	
7. Western Carolina Training School		4,500,000
Training School	4,500,000	
8. State Hospital at Morganton		84,000
Renovation of Toilets and Baths	84,000	

Sec. 4. That, subject to a vote of a majority of the qualified voters of the State who shall vote in an election called and held as hereinafter provided, the State Treasurer is hereby authorized, by and with the consent of the Governor and Council of State, to issue and sell, at one time or from time to time, bonds of the State, to be designated "Community College Capital Improvement Bonds", in an aggregate principal amount not exceeding one million five hundred thousand dollars ($1,500,000), for the purpose of providing funds for grants-in-aid for community college capital improvements, as follows:

1. Community Colleges		$ 1,500,000
Grants-in-aid for Capital Improvements	$ 1,500,000	

Sec. 5. That, subject to a vote of a majority of the qualified voters of the State who shall vote in an election called and held as hereinafter provided, the State Treasurer is hereby authorized, by and with the consent of the Governor and Council of State, to issue and sell, at one time or from time to time, bonds of the State, to be designated "Hospital Capital Improvement Bonds", in an aggregate principal amount not exceeding five hundred thousand dollars ($500,000), for the purpose of providing funds for participation by the State through the Medical Care Commission in local hospital construction, as follows:

1. Medical Care Commission		$ 500,000
Participation in Local Hospital Construction	$ 500,000	

Sec. 6. That, subject to a vote of a majority of the qualified voters of the State who shall vote in an election called and held as hereinafter provided, the State Treasurer is hereby authorized, by and with the consent of the Governor and Council of State, to issue and sell, at one time or from time to time, bonds of the State, to be designated "State Armory Capital Improvement Bonds", in an aggregate principal amount not exceeding one hundred thousand dollars ($100,000), for the purpose of providing funds, with any other funds available therefor, for the construction of needed capital improvements for the North Carolina Armory Commission, as follows:

1. North Carolina Armory Commission		$ 100,000
New Buildings	$ 100,000	

Sec. 7. That, subject to a vote of a majority of the qualified voters of the State who shall vote in an election called and held as hereinafter pro-

vided, the State Treasurer is hereby authorized, by and with the consent of the Governor and Council of State, to issue and sell, at one time or from time to time, bonds of the State, to be designated "State Training School Capital Improvement Bonds", in an aggregate principal amount not exceeding four hundred sixty-six thousand dollars ($466,000) for the purpose of providing funds, with any other funds available therefor, for the construction of needed capital improvements at the State's correctional institution, as follows:

1. Stonewall Jackson Training School		$ 100,000
Academic & Vocational School Building	$ 100,000	
2. Eastern Carolina Training School		118,000
Vocational Building	118,000	
3. State Home and Industrial School for Girls		124,000
Multi-Purpose and Recreation Building	$ 124,000	
4. Morrison Training School		$ 124,000
Multi-Purpose and Recreation Building at McCain	124,000	

Sec. 8. That, subject to a vote of a majority of the qualified voters of the State who shall vote in an election called and held as hereinafter provided, the State Treasurer is hereby authorized, by and with the consent of the Governor and Council of State, to issue and sell, at one time or from time to time, bonds of the State, to be designated "State Blind Rehabilitation Center Capital Improvement Bonds", in an aggregate principal amount not exceeding one hundred and forty thousand dollars ($140,000), for the purpose of providing funds, with any other funds available therefor, for the construction of needed capital improvements at the State's Blind Rehabilitation Center, as follows:

1. State Blind Rehabilitation Center		$ 140,000
Multi-Purpose Building	$ 140,000	

Sec. 9. That, subject to a vote of a majority of the qualified voters of the State who shall vote in an election called and held as hereinafter provided, the State Treasurer is hereby authorized by and with the consent of the Governor and Council of State, to issue and sell, at one time or from time to time, bonds of the State, to be designated "State Ports Bonds", in an aggregate principal amount not exceeding five hundred thousand dollars ($500,000), for the purpose of providing funds, with any other funds available therefor, for the construction of port facilities at Southport, Brunswick County, North Carolina, as follows:

1. State Ports Authority		$ 500,000
Port Facilities at Southport, Brunswick County, North Carolina	$ 500,000	

Sec. 9.1. That, subject to a vote of the majority of the qualified voters of the State who shall vote in an election called and held as hereinafter

provided, the State Treasurer is hereby authorized, by and with the consent of the Governor and Council of State, to issue and sell at one time or from time to time bonds of the State, to be designated "Historical Sites Construction and Restoration Bonds" in an aggregate principal amount not to exceed two hundred fifty thousand dollars ($250,000) for the purpose of providing funds, with any other funds available therefor, for additions to and restoration of historical sites, as follows:

1. Department of Archives and History		$ 250,000
Alamance Battleground—		
State Historic Site Supplement	$ 15,000	
Town Creek Indian Mound—Museum and		
General Purpose Building	42,500	
Aycock Birthplace—State Historic Site—		
Museum and General Purpose Building	35,800	
Zeb Vance Birthplace—		
State Historic Site—		
Museum and General Purpose Building	49,200	
Brunswick Town—State Historic Site—		
Museum and General Purpose Building	20,000	
Restoration of Marsh House—		
Colonial Bath	15,000	
Restoration of Fort Fisher—		
Supplement to Local Funds	30,000	
Restoration Old Stone House—Rowan		
County—Supplement to Local Funds ..	7,500	
Scotland County Historical Society—		
Temperance Hall and Literary Society—		
Restoration of Building and Improve-		
ment of Grounds	10,000	
Restoration President Polk Birthplace ..	15,000	
Restoration Daniel Boone Place—David-		
son County	10,000	

Sec. 10. The proceeds of said bonds are hereby appropriated for the purposes stated above, respectively, which appropriations shall be in addition to all other appropriations heretofore made or which may be made at the present Session of the General Assembly, and shall be expended and disbursed under the direction and supervision of the Director of the Budget.

Each project must be planned on the basis of an estimated cost that will allow the purchase of all needed equipment and provide drives, walks, grading and connections to all needed utilities and provide a completed facility that may be fully utilized without requiring additional State funds.

Sec. 11. The funds appropriated by this Act shall be disbursed for the purposes provided in this Act upon warrants drawn by the State Disbursing Officer, and warrants shall not be drawn for any State institution, department or agency until a requisition has been approved by the Director of the Budget and which requisition shall be approved only after

full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes. Any officer of the State or executive head of any institution, or any director, trustee, or commissioner of any State institution, department or agency to which an appropriation is made under the provisions of this Act who votes for or aids in spending more money for any improvement for his institution, department or agency than is appropriated therefor, may be removed from office by the Governor. Any additional moneys which may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source to aid in financing the cost of any of the improvements herein referred to, may be placed by the State Treasurer in the same fund or in a separate fund and, to the extent permitted by the terms of such grants or grant, shall be disbursed in the same manner and for the purposes mentioned in this Act.

Sec. 12. That the Director of the Budget is hereby authorized and empowered to make transfers and changes between the appropriations made in this Act, within the appropriations made to each agency, to provide changes to permit completion of the projects as described in the appropriations.

Upon application of the governing body of a spending agency of the State, the Director of the Budget when recommended by the Advisory Budget Commission is empowered to authorize transfers and changes from appropriations made in this Act, within the appropriations made to each agency, to provide for projects for which no specific appropriations have been made to such agency under this Act.

Sec. 13. The apropriation of one million, five hundred thousand dollars ($1,500,000) made to the community colleges by this Act is placed on an equal matching fund basis for community college capital improvements at Charlotte, Asheville and Wilmington. Funds raised locally for community colleges by either of these communities will, with the approval of the Governor and the Advisory Budget Commission, be matched (on a grant-in-aid basis) from funds provided herein for the purposes and in accordance with the provisions contained in Section 7 (b) of Chapter 1098 of the Session Laws of 1957, within the limit of one million, five hundred dollars ($1,500,000).

Sec. 14. Those funds appropriated to the Budget Division for the purchase of land at educational institutions shall be allocated with the approval of the Governor and the Advisory Budget Commission.

Sec. 15. The bonds of each issue authorized by this Act shall bear such date or dates, shall be serial bonds, and shall mature at such times and in such amounts, not exceeding twenty (20) years from their date or respective dates, and shall bear interest at such rate or rates, not exceeding four per centum (4%) per annum, payable semiannually, as may be fixed by the State Treasurer with the approval of the Governor and Council of State.

Sec. 16. Said bonds shall be signed on behalf of the State of North Carolina by the Governor or shall bear his facsimile signature and shall be signed by the State Treasurer, shall bear the Great Seal of the State

or a facsimile thereof shall be impressed or imprinted thereon, and said bonds shall carry interest coupons which shall bear a facsimile of the signature of the State Treasurer. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The form and denomination of the bonds shall be such as the State Treasurer may determine in conformity with this Act, and said bonds shall be subject to registration as is now or may hereafter be provided by law for State bonds, and provision may also be made for the reconversion into coupon bonds of any bonds registered as to both principal and interest.

Sec. 17. Subject to determination by the Governor and Council of State as to the manner in which said bonds shall be offered for sale, whether by publishing notices in certain newspapers and financial journals or by mailing notices or by inviting bids by correspondence or otherwise, the State Treasurer is authorized to sell the bonds of each or all of said issues at one time or from time to time at the best price obtainable, but in no case for less than par and accrued interest, and when the conditions are equal he shall give the preference of purchase to the citizens of North Carolina. All expenses necessarily incurred in the preparation and sale of the bonds shall be paid from the proceeds of such sale in excess of the appropriations herein authorized or from the Contingency and Emergency Appropriation.

Sec. 18. The proceeds of said bonds and of the bond anticipation notes herein authorized (except the proceeds of bonds the issuance of which has been anticipated by such bond anticipation notes) shall be placed by the State Treasurer in a special fund known as the "Capital Improvement State Voted Bond Fund of 1959," and shall be disbursed only for the purposes provided in this Act.

Sec. 19. By and with the consent of the Governor and Council of State, who shall determine the rate or rates of maximum rate of interest and the date or approximate date of payment, the State Treasurer is hereby authorized to borrow money at the lowest rate of interest obtainable, and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

(a) For anticipating the sale of any of said bonds to the issuance of which the Governor and Council of State shall have given consent, if the State Treasurer shall deem it advisable to postpone the issuance of such bonds.

(b) For the payment of interest upon or any installment of principal of any of said bonds then outstanding, if there shall not be sufficient funds in the State Treasury with which to pay such interest or installment of principal as they respectively fall due.

(c) For the renewal of any loan evidenced by notes herein authorized.

Sec. 20. Funds derived from the sale of bonds herein authorized shall be used in the payment of any bond anticipation notes that may have been issued in anticipation of the sale of such bonds and any renewals

of such notes; and funds provided by the General Assembly for the payment of interest on or principal of bonds herein authorized shall be used in paying the interest on or principal of any notes and any renewals thereof the proceeds of which shall have been used in paying interest on or principal of such bonds. Interest payments upon said notes may be evidenced by interest coupons in the State Treasurer's discretion.

Sec. 21. The full faith, credit and taxing power of the State are hereby pledged for the payment of the principal of and the interest on the bonds and notes herein authorized.

Sec. 22. The coupons appertaining to any of said bonds and notes after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

Sec. 23. All of said bonds and notes and coupons shall be exempt from all State, county and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for income, nor shall said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation.

Sec. 24. It shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissions, to invest any moneys in their hands in any of said bonds and notes.

Sec. 25. The question of the issuance of the bonds of each of said issues shall be submitted to the qualified voters of the State of North Carolina at an election to be held on a date during 1959 to be fixed by the Governor by a proclamation issued by him; provided, that if an election upon the question of the issuance of other State bonds is authorized to be held during the same period, the election herein provided for may be held upon the same day as such other State bond election. The said election shall be held under and in accordance with the general laws of the State of North Carolina, except that no absentee ballots shall be allowed in said election. The State of North Carolina shall reimburse the counties of the State for all necessary expenses incurred in holding said election, the same to be paid out of the Contingency and Emergency Fund. The State Board of Elections shall cause to be printed and distributed the ballots which are to be used in said election, which said ballots shall bear a facsimile of the signature of the Chairman of the State Board of Elections and shall be in substantially the following form:

OFFICIAL BALLOT

STATE BOND ELECTION

....., 1959

Instructions

1. To vote "FOR" any issue of bonds make a cross (X) mark in the square to the left of the word "FOR".
2. To vote "AGAINST" any issue of bonds make a cross (X) mark in the square to the left of the word "AGAINST".

1.

☐ FOR
☐ AGAINST

the issuance of $18,891,000 State Educational Institutions Capital Improvement Bonds of the State of North Carolina for capital improvements at the State's educational institutions and agencies.

2.

☐ FOR
☐ AGAINST

the issuance of $12,053,000 State Mental Institutions Capital Improvements Bonds of the State of North Carolina for capital improvements at the State's mental institutions.

3.

☐ FOR
☐ AGAINST

the issuance of $1,500,000 Community College Capital Improvement Bonds of the State of North Carolina for grants-in-aid for community college capital improvements.

4.

☐ FOR
☐ AGAINST

the issuance of $500,000 Hospital Capital Improvement Bonds of the State of North Carolina for the purpose of providing funds for participation by the State through the Medical Care Commission in local hospital construction.

5.

☐ FOR
☐ AGAINST

the issuance of $100,000 State Armory Capital Improvement Bonds of the State of North Carolina for capital improvements for the North Carolina Armory Commission.

6.

☐ FOR
☐ AGAINST

the issuance of $466,000 State Training School Capital Improvement Bonds of the State of North Carolina for capital improvements at the State's correctional institutions.

7.

☐ FOR
☐ AGAINST

the issuance of $140,000 State Blind Rehabilitation Center Capital Improvement Bonds of the State of North Carolina for capital improvements at the State's Blind Rehabilitation Center.

8.

☐ FOR
☐ AGAINST

the issuance of $500,000 North Carolina State Ports Bonds of the State of North Carolina for Port facilities at Southport, Brunswick County, North Carolina.

9.

☐ FOR
☐ AGAINST

the issuance of $250,000 Historical Sites Construction and Restoration Bonds of the State of North Carolina.

(Facsimile Signature)

Chairman, State Board of Elections

Notwithstanding the foregoing provisions of this Section, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.

If a majority of those voting on the question of the issuance of the bonds of any of said issues shall vote in favor of the issuance of such bonds, such bonds shall be issued as hereinbefore provided. In the event that a majority of those voting on the question of the issuance of the bonds of any of said issues shall vote against the issuance of such bonds, such bonds shall not be issued.

The results of said election shall be canvassed and declared as provided by law for the holding of elections for State officers and the result thereof certified by the State Board of Elections to the Secretary of State of North Carolina, in the manner and at the time provided by the general election laws of the State.

Sec. 26. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 27. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 28. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 352 CHAPTER 1039

AN ACT TO REAPPROPRIATE "REVOLVING FUND" SUMS AND AUTHORIZE THE ISSUANCE OF BONDS OF THE STATE TO PROVIDE FOR CAPITAL IMPROVEMENTS FOR STATE INSTITUTIONS AND AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known and may be cited as the "State Capital Improvement Act of 1959".

Sec. 2. Appropriations in the amount of $5,275,000 authorized in Chapter 1341, Session Laws of 1957, for certain projects under a "Revolving Fund" are hereby reappropriated to supplement bond proceeds for the purposes hereinafter described, and the following projects and amounts are hereby authorized to remain under the "Revolving Fund" provisions of Chapter 1341, Session Laws of 1957:

STATE COLLEGE OF AGRICULTURE AND ENGINEERING

Revolving Fund Appropriation	
2. Gymnasium	$1,411,000
(a) Building	1,163,500
(b) Equipment	147,500
(c) Utility Connections	75,000
(d) Access Areas and Landscaping	25,000

Sec. 3. Chapter 1341, Session Laws of 1957, is hereby amended to provide for the deletion of "Revolving Fund" projects not specifically designated in Section 2 of this Act.

Sec. 4. The State Treasurer is hereby authorized, by and with the consent of the Governor and Council of State, to issue and sell, at one time or from time to time, bonds of the State, to be designated "State of North Carolina Capital Improvement Bonds" in an aggregate principal amount not exceeding $9,195,000, for the purpose of providing needed improvements for State institutions and agencies.

Sec. 5. The total sum of $14,470,000 provided in Sections 2 and 4 of this Act are hereby appropriated for the purpose of providing needed improvements for State institutions and agencies as follows:

I. GENERAL GOVERNMENT		
1. Department of Administration		$ 1,663,500
General Services Division:		
Air Conditioning and Electric Wiring	$ 48,000	
Central Heating Plant	850,500	
Purchase of Land	725,000	
Electrical Renovations	40,000	
2. Legislative Building Commission:		4,500,000
Legislative Building	4,500,000	
II. CORRECTION		
1. Stonewall Jackson Training School		25,000
Renovation and Repairs to Administration Building	25,000	
2. State Home and Industrial School for Girls		148,000
Cottage for 25 Girls	125,000	
Two Staff Cottages	23,000	
3. Morrison Training School		74,600
Sewage Disposal Plant	55,000	
Two Staff Cottages	16,000	
Tool and Equipment Shed	3,600	

4. Eastern Carolina Training School ..			$ 28,700
Two Staff Cottages	$	23,000	
Storage Barn		5,700	
5. State Training School for Negro Girls			138,500
Cottage for 25 Girls		75,000	
Physical Education Addition to School Building		61,500	
Campus Lighting		2,000	
III. PUBLIC WELFARE			
1. State Commission for the Blind—Rehabilitation Center			11,500
Two Dormitory Wings		11,500	
IV. EDUCATION			
1. University of North Carolina Chapel Hill			354,000
Renovations of Laboratories Venable Hall		100,000	
Renovation Saunders Hall		44,000	
Addition to Physics Building		210,000	
2. University of North Carolina Division of Health Affairs			196,800
Dentistry Building — Improvement to Ground Floor		56,800	
School of Pharmacy—Equipment Supplement		140,000	
3. State College of Agriculture and Engineering			1,199,400
Renovations to Buildings:			
Bagwell Dormitory		35,000	
Syme Dormitory		36,000	
Watauga Dormitory		10,000	
Becton, Berry and Clark		9,000	
1911 Building—New Roof		12,000	
Waterproofing Buildings		40,000	
New Doors for Gold and Welch Dormitories		5,000	
Insulation of East Stadium Dormitory		20,000	
Additional Facilities in Dormitories .		30,000	
New Street from Coliseum to Western Boulevard		65,000	
Peele Hall		10,000	
Remodel Milking Facilities		13,600	

Equipment, Wood Products Laboratory	$ 112,400		
Mineral Research Laboratory (Asheville)	75,000		
Utilities Expansion:			
Extension of Steam and Hot Water System	454,000		
Extend Street Lighting South of Railroad	30,000		
Roads, Drives, and Parking Area:			
Street to Married Student Housing Area	62,400		
Repair West Campus Streets and Parking Areas	60,000		
Paving and Retaining Walls and Landscaping	60,000		
Extension of Steam and Water Mains:			
Water and Sewer Mains to Western Boulevard Area	20,000		
Storm Sewer Expansion East Campus	15,000		
New Storm Sewer, South Campus ..	25,000		
4. Woman's College		$	202,500
Repairs to Dormitory Baths and Plumbing	55,600		
Repairs to Aycock Auditorium	41,500		
Widening Gray Drive	15,400		
Underground Steam Lines	50,000		
Renovation to Student Center Building	20,000		
Alterations to Administration Building	20,000		
5. East Carolina College			245,200
Improvements to Campus Electrical System	50,000		
Renovation of North Cafeteria	135,200		
Warehouse	50,000		
Street Lights	10,000		
6. The Agricultural and Technical College			128,400
Storm Sewer Line	7,400		
Widening Nocho Street	5,900		
Widening Drive, Rear of Vanstory Hall	4,100		
Renovations to Noble Hall	15,000		
Renovations to Morrison Hall	50,000		

	Renovations to Holland Hall	$ 40,000	
	Renovations to Harrison Auditorium	6,000	
7.	Western Carolina College		$ 128,800
	Wolf Creek Watershed, Purchase of Land	57,000	
	Addition to Utility System	12,000	
	Equipment of Stillwell Classroom Building	45,800	
	Renovations to Little Theatre	14,000	
8.	Appalachian State Teachers College		201,400
	Renovation of White Hall	100,000	
	Renovation of High School Building .	15,000	
	Repairs to Newland and Lovill Halls	12,500	
	Renovation of Faculty Houses	12,400	
	Additions to Street Lighting	1,500	
	Coal and Ash Handling Equipment ..	60,000	
9.	Pembroke State College		46,000
	Rear Wing, Old Main Building	28,000	
	Resurfacing Campus Roads and Developing Parking Areas	11,000	
	Athletic Field improvements	7,000	
10.	Winston-Salem Teachers College ...		185,500
	Renovation and Addition to Dining Hall	43,500	
	Repairs to Girls Dormitory	15,000	
	Campus Lighting	10,000	
	Extension of Steam Lines	54,000	
	Drives and Walks	23,000	
	Recreational and Athletic Facilities .	40,000	
11.	Elizabeth City State Teachers College		239,500
	Roads and Walks	26,000	
	President's Home	28,500	
	Renovation of Administration and Classroom Building	100,000	
	Renovation and Expansion of Dining Hall and Kitchen	75,000	
	Rebuild Sewage Pumping Station ..	10,000	
12.	Fayetteville State Teachers College ..		154,000
	Campus Drainage and New Sewer Line	16,000	
	Freight Elevator and Dumbwaiter for Kitchen	13,000	
	Roads and Walks	25,000	
	Renovation of Electric System—Newbold Training School	20,000	

	Renovation of Physical Education Facilities	$ 50,000	
	Campus Lights and Electric Service Lines	30,000	
13.	North Carolina College at Durham		$ 167,000
	Waterproofing Buildings	21,000	
	Heating System Repairs	11,000	
	Cafeteria Renovations	32,000	
	Alterations to Science Building	26,000	
	Duke Auditorium Additions	45,000	
	Sidewalks and Parking Areas	10,000	
	Campus Lighting	15,000	
	Renovate Closets in Shepard Dormitory	7,000	
14.	North Carolina School for the Deaf		191,700
	Resilient Tile Floor—Main Building	23,000	
	Renovation of Main Building — Showers, Toilets, and Laundry Rooms	56,300	
	Renovation of Hospital	14,750	
	Multipurpose Addition to Primary Building	48,500	
	New Windows—Main Building	41,150	
	Incinerator	8,000	
15.	State School for the Blind and the Deaf		75,500
	Concrete Walks—Colored Department	1,500	
	Alterations to Electrical System	35,000	
	Heating Plant Improvements	39,000	
16.	State Art Society		636,000
	Gallery Renovation	12,000	
	Addition to Museum of Art Building	624,000	
V.	NON-HIGHWAY TRANSPORTATION		
1.	State Ports Authority		917,400
	Wilmington Port:		
	Six Fork Lift Trucks	30,000	
	Extend Fabrication Shed	100,000	
	Warehouse Utility Connections, Railroads and Roads	430,000	
	Morehead Port:		
	Warehouse Utility Connections, Railroads and Roads	284,000	
	Repairs to Wharf Fender System	12,000	

Repairs to Old Transit Shed	$ 10,000	
Prefabricated Garage	16,400	
Seven Fork-Lift Trucks	35,000	

VI. HEALTH AND HOSPITALS

1. State Hospital at Raleigh		$ 351,500
Renovation of Broughton Building	15,000	
Renovation of Corridors to Female Dining Room	18,000	
Alterations to Cold Storage Building	17,000	
Alterations and Additions to Main Kitchen	301,500	
2. State Hospital at Morganton		435,900
Surface Treatment of Roadways	57,600	
Water Line and Pumping Equipment	128,000	
Renovations of X Ward	110,000	
Wards 28 and 29, Porch and Bath Additions	40,300	
Renovations—Toilets and Baths	100,000	
3. State Hospital at Goldsboro		92,000
Warehouse Building	92,000	
4. Caswell Training School		325,500
Improvements to Electrical System at Central Heating Plant	15,500	
Multipurpose Training and Education Building	300,000	
Swine Fattening Area	10,000	
5. North Carolina Cerebral Palsy Hospital		12,000
Repairs to Building	12,000	

VII. NATURAL RESOURCES AND RECREATION

1. Department of Conservation and Development		1,173,500
Development of Bear Island State Park	172,000	
Fort Macon State Park—Beach Erosion Control	150,000	
Repairs to Buildings—Morrow Mountain State Park	1,500	
Building Repairs and Painting—Pettigrew State Park	7,000	
Land Acquisition—State Parks	150,000	

Forestry Division:			
Cone Drying and Seed Extractor Building—Edwards Nursery	$ 25,000		
Irrigation System—Clayton	10,000		
Irrigation System—Goldsboro	20,000		
Residence for Towerman, Edgecombe County	7,000		
Residence for Towerman, Southern Pines	7,000		
Road to Tower Site—Mitchell County	2,000		
Tower Cabin—Mitchell County	2,000		
Tower Cabin Ben's Knob Cleveland County	2,000		
Tower—Caswell County	8,000		
Tower—New Hanover County	10,000		
Outer Banks—Survey and Land Acquisition	600,000		
2. Kerr Reservoir Development Commission		$	40,000
Parking Areas, Toilets, Shelters, Maintenance and Storage Building, and Bath-house	40,000		
VIII. AGRICULTURE			
1. Department of Agriculture			85,700
Completion of Dairy Buildings Piedmont Station	5,000		
All-Purpose Poultry Buildings—Piedmont Station:			
Multiple Pen Chicken Building	13,500		
Multiple Pen Turkey Building	13,500		
Dry Cow and Heifer Barn, Mountain Station	3,000		
Office and Utility, Tidewater Station	12,500		
Two Silos, Piedmont Station	4,600		
Machinery and Fertilizer Storage, Border Belt Station	4,000		
Tobacco Packhouse, Upper Coastal Plain Station	10,500		
Compartment Curing Barn, Border Belt Station	6,200		
Cattle Barn, Mountain Station	2,900		
Addition to Burley Tobacco Grading Barn, Mountain Station	1,500		
Fertilizer and Pesticide Storage Building, Mountain Station	3,700		
Burley Tobacco Curing Barn, Mountain Station	3,000		

	Addition to Laborer's Dwelling, Mountain Station	$ 1,800	
2.	Agricultural Experiment Station State College		$ 95,000
	Equipment for Poultry Disease Diagnostic Laboratory	10,000	
	Compartment Curing Barn, Central Crops Research Station	4,000	
	Herdsman's Residence, Central Livestock Station	9,000	
	Swine Nutrition Units, Central Animal Husbandry Farm	43,000	
	Two Laying Houses and Repairs, Central Poultry Farm	9,000	
	Foreman's Dwelling, Horticulture Crops Research Station	8,000	
	Completion of Crops Drying Building, Central Crops Research Station	12,000	
	TOTAL		$ 14,470,000

The appropriations hereby made shall be in addition to all other appropriations heretofore made, or which may be made at the present Session of the General Assembly, and shall be expended and disbursed under the direction and supervision of the Director of the Budget.

Each project must be so planned that its estimated cost will be within such limits that will allow the purchase of all needed equipment and provide drives, walks, grading and connections to all needed utilities so that when completed the facility may be fully utilized without requiring additional State funds. All or any part of the appropriations as provided on page 11, "Land Acquisition—State Parks 150,000" may be used to purchase lands adjoining Mt. Mitchell State Park known as "Stepps Gap lands", however, no part of said appropriation may be used to condemn all or any part of said "Stepps Gap lands".

Sec. 6. The funds appropriated to provide for Capital Improvements, by Section 5 of this Act, shall be disbursed for the purposes provided in this Act upon warrants drawn by the State Disbursing Officer, which warrants shall not be drawn for any State institution, department or agency until a requisition has been approved by the Director of the Budget and which requisition shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes. Any officer of the State or executive head of any institution, or any director, trustee or commissioner of any State institution, department or agency to which an appropriation is made under the provisions of this Act who votes for or aids in spending more money for any improvement for his institution, department or agency than is appropriated therefor, may be removed from office by the Governor. Any additional moneys which may be received by means of a grant or grants from the United States of

America or any agency or department thereof or from any other source to aid in financing the cost of any of the improvements herein referred to, may be placed by the State Treasurer in the same fund or in a separate fund and, to the extent permitted by the terms of such grant or grants, shall be disbursed in the same manner and for the purposes mentioned in this Act.

Sec. 7. The Director of the Budget is authorized and empowered to make transfers and changes between the appropriations made in this Act, within the appropriations made to each agency, to provide changes to permit completion of the projects as described in the appropriations. When all projects enumerated in the appropriation for any institution or agency have been completed, all remaining funds shall revert to the General Fund of the State.

Sec. 7.1. (a) The appropriation made herein to the Department of Conservation and Development for "Outer Banks Survey and Land Acquisition" is made for the purpose of making necessary surveys and land acquisitions in connection with restoring, stabilizing, preserving, and rehabilitating that portion of the Outer Banks of North Carolina located between Ocracoke Inlet on the North and Cape Lookout on the South, and so much of Shackleford Banks as may be determined by the Department to be reasonable or necessary to stabilize Barden's Inlet.

(b) In carrying out the purpose for which this appropriation is made, the Department of Conservation and Development shall, subject to other applicable laws of this State, have authority: to make such surveys as it deems necessary; to acquire real property of any nature by purchase, condemnation, or other legal means; to enter into contracts and other agreements in connection therewith; and to do any and all other acts and things which may be reasonable or necessary to carry out the purposes for which this appropriation is made.

(c) All receipts of whatever nature relating to this project which may accrue to the State, including funds paid to the State by the Federal Government to be used in connection with this project, shall be deposited in the account established for the purposes of this appropriation, and shall be disbursed in the same manner as provided for this appropriation. When the purposes for which this appropriation is made have been completed, any remaining funds in this account shall revert to the General Fund of the State.

(d) Notwithstanding the provisions of this Act and any reference herein to the Department of Conservation and Development, when and if a water commission is created by the General Assembly of North Carolina, the Governor of North Carolina may transfer such funds as are appropriated for these purposes from the Department of Conservation and Development to the newly created water resources commission, and the duties and rights of the Department of Conservation and Development herein provided for shall then devolve upon such water resources commission.

Sec. 8. Bonds authorized by this Act shall bear such date or dates, shall be serial bonds, and shall mature at such times and in such amounts, not exceeding twenty (20) years from their date or respective dates, and

shall bear interest at such rate or rates, not exceeding four per centum (4%) per annum, payable semiannually, as may be fixed by the State Treasurer with the approval of the Governor and Council of State.

Sec. 9. Said bonds shall be signed on behalf of the State of North Carolina by the Governor or shall bear his facsimile signature and shall be signed by the State Treasurer, shall bear the Great Seal of the State or a facsimile thereof shall be impressed or imprinted thereon, and said bonds shall carry interest coupons which shall bear a facsimile of the signature of the State Treasurer. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The form and denomination of the bonds shall be such as the State Treasurer may determine in conformity with this Act, and said bonds shall be subject to registration as is now or may hereafter be provided by law for State bonds, and provision may also be made for the reconversion into coupon bonds of any bonds registered as to both principal and interest.

Sec. 10. Subject to determination by the Governor and Council of State as to the manner in which said bonds shall be offered for sale, whether by publishing notices in certain newspapers and financial journals or by mailing notices or by inviting bids by correspondence or otherwise, the State Treasurer is authorized to sell said bonds at one time or from time to time at the best price obtainable, but in no case for less than par and accrued interest, and when the conditions are equal he shall give the preference of purchase to the citizens of North Carolina. All expenses necessarily incurred in the preparation and sale of the bonds shall be paid from the proceeds of such sale in excess of the appropriations herein authorized or from the Contingency and Emergency Appropriation.

Sec. 11. The proceeds of said bonds and of the bond anticipation notes herein authorized (except the proceeds of bonds the issuance of which has been anticipated by such bond anticipation notes) shall be placed by the State Treasurer in a special fund known as the "Capital Improvement Fund of 1959," and shall be disbursed only for the purposes provided in this Act.

Sec. 12. By and with the consent of the Governor and Council of State, who shall determine the rate or rates or maximum rate of interest and the date or approximate date of payment, the State Treasurer is hereby authorized to borrow money at the lowest rate of interest obtainable, and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

(a) For anticipating the sale of any of said bonds to the issuance of which the Governor and Council of State shall have given consent, if the State Treasurer shall deem it advisable to postpone the issuance of such bonds.

(b) For the payment of interest upon or any installment of principal of any of said bonds then outstanding, if there shall not be sufficient funds

in the State Treasury with which to pay such interest or installment of principal as they respectively fall due.

(c) For the renewal of any loan evidenced by notes herein authorized.

Sec. 13. Funds derived from the sale of bonds herein authorized shall be used in the payment of any bond anticipation notes that may have been issued in anticipation of the sale of such bonds and any renewals of such notes; and funds provided by the General Assembly for the payment of interest on or principal of bonds herein authorized shall be used in paying the interest on or principal of any notes and any renewals thereof the proceeds of which shall have been used in paying interest on or principal of such bonds. Interest payments upon said notes may be evidenced by interest coupons in the State Treasurer's discretion.

Sec. 14. The full faith, credit and taxing power of the State are hereby pledged for the payment of the principal of and the interest on the bonds and notes herein authorized.

Sec. 15. The coupons appertaining to said bonds and notes after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

Sec. 16. All of said bonds and notes and coupons shall be exempt from all State, county and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for income, nor shall said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation.

Sec. 17. It shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissions, to invest any moneys in their hands in said bonds and notes.

Sec. 18. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 19. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 382

CHAPTER 1040

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ALEXANDER COUNTY TO SUBMIT TO THE QUALIFIED ELECTORS OF SAID COUNTY THE QUESTION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF EXTENDING WATER AND SEWAGE FACILITIES ON A RENTAL BASIS TO COMMUNITIES AND INDUSTRIES IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any constitutional limitation or limitation provided by any general or special law, and notwithstanding any limitations as to net indebtedness, the Board of County Commissioners of Alexander County is hereby authorized and empowered, in its discretion, to au-

thorize the issuance of bonds of said county, in accordance with the provisions of the County Finance Act, as amended, and the Local Government Act, as amended, except for the provisions as to net indebtedness, for the purpose of extending and providing water and sewage facilities on a rental basis to communities and industries in Alexander County, such as in the opinion of the Board of Commissioners of Alexander County will best serve the purpose of promoting health and sanitation in such communities or in communities in, around and near to industries in said county, and for the further purpose of furnishing a water supply and/or water and sewage to any of the public schools in Alexander County. The order, adopted pursuant to the County Finance Act, except as otherwise provided to authorize said bonds, shall take effect when approved by a majority of the qualified electors of Alexander County, such majority to be a majority of those voting in an election as provided in the County Finance Act. The said Board of Commissioners of Alexander County may submit said question in a general election or in a special election called for such purpose, and such special election shall be called, held, conducted, and the results thereof canvassed and determined in accordance with the County Finance Act and in the same manner as elections held under Article 9 of Chapter 153 of the General Statutes, as amended.

Sec. 2. That at the same time the said Board of Commissioners of Alexander County, and along with the question of issuing bonds in such amount and denominations as the board of commissioners may determine, there shall be submitted the question of levying a sufficient tax for the purpose of paying off and discharging said bonds and the interest which may accrue thereon should a majority of the qualified electors of Alexander County voting in said election approve the order authorizing said bonds and in favor of issuing said bonds. The form of the question shall be printed on a ballot furnished to each qualified voter at said election and shall be in substantially these words: "For the issuance of one and one-half million dollar-water and sewage bonds for the purpose of extending same to communities and industries in Alexander County on a rental basis; for the further purpose of furnishing water supply and/or water and sewage to any public school in Alexander County, and for the levying of a sufficient tax for the payment of the principal and interest thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed upon one ballot containing squares opposite the affirmative and negative forms, in one of which squares the voter may make an (X) mark.

Sec. 3. The Board of County Commissioners of Alexander County shall determine the amount of bonds to be voted upon according to its bond order, and if a majority of the qualified voters voting in said election favor the issuance of said bonds the said Board of County Commissioners of Alexander County is hereby authorized, in its discretion, to do any and all things necessary and to apply the proceeds of said bond issue for the purpose of providing water and sewage facilities on a rental basis to communities and industries in said county; also for the further purpose of furnishing water supply and/or water and sewage to any of the public

schools in Alexander County, and said bonds when issued shall have the full faith and credit of said county which shall be deemed to be pledged for the punctual payment of the principal and interest on every bond issue by virtue hereof; and the Board of Commissioners of Alexander County shall annually levy and collect a tax ad valorem on all the taxable property in the county sufficient to pay the principal and interest on all bonds issued under this Act. The said election may be held at any time fixed by the governing body of the municipality, and if submitted in a special election the same shall not be governed by any limitations of time before or subsequent to any general election.

Sec. 4. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings in connection therewith, or the right or duty to levy sufficient tax for the payment of the principal and interest of such bonds, shall be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of results as provided under the law under which said election is held. The special tax authorized herein, should said bond order be approved in such election, shall be in addition to all other taxes authorized to be levied in said county and shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds.

Sec. 5. The powers granted under this Act shall be in addition to and not in substitute for powers granted under any other laws.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 439 CHAPTER 1041

AN ACT TO PROVIDE FOR COUNTY-WIDE NOMINATION AND ELECTION OF COUNTY COMMISSIONERS IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section Two of Chapter 317 of the Session Laws of 1943 is hereby rewritten to read as follows: "That the qualified electors of Halifax County shall, at the next election for county commissioners, and at each such election thereafter, elect five county commissioners from nominees selected by the qualified voters of Halifax County at large: Provided, one commissioner shall be a resident of each of the five county commissioner districts of Halifax County."

Sec. 1½. At the 1960 election for County Commissioners of Halifax County there shall be submitted to the qualified voters of Halifax County to be voted on by the qualified voters of said county two questions. The two questions to be submitted are as follows: (1) For election of county commissioners from districts but by a county-wide vote; (2) for election of county commissioners from any locality in the county and by a county-wide vote.

If the majority of qualified voters vote "For election of county commissioners from any locality in the county and by a county-wide vote", then, effective with the 1962 election, the said county commissioner districts, as referred to in Chapter 317 of the Session Laws of 1943, and the requirement that a commissioner be a resident of each of the five county commissioner districts of Halifax County, as provided above, shall be deemed abolished. If, however, a majority of the qualified voters shall vote "For election of county commissioners from districts but by a county-wide vote", then at the 1962 election for county commissioners and at all elections thereafter the provisions of Section 1 of this Act shall apply. The County Board of Elections shall cause to be printed the appropriate ballots containing the questions to be voted on by the qualified voters of Halifax County in said election.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 451 CHAPTER 1042

AN ACT TO REWRITE G. S. 76-13 SO AS TO ADJUST AND EQUALIZE PILOTAGE RATES AND CHARGES ON THE CAPE FEAR RIVER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 76-13 is hereby rewritten to read as follows:

"§ 76-13. When Employment Compulsory; Rates of Pilotage. (a) All vessels, coastwise or foreign, over sixty (60) gross tons, shall on and after July 1, 1959, take a State-licensed pilot from sea to Southport, and from Southport to sea, and the rates of pilotage shall be the rates given in Column No. 1 below, designated "From Sea to Southport, or Vice Versa"; the employment of pilots from Southport to Wilmington and from Wilmington to Southport is optional, but any vessel taking a pilot from Southport to Wilmington, or from Wilmington to Southport, shall employ only a State-licensed pilot, and the rate of pilotage shall be the rates in Column No. 2 below, designated "From Southport to Wilmington, or Vice Versa".

Draft Feet and Under	Column No. 1 From Sea to Southport or Vice Versa	Column No. 2 From Southport to Wilmington or Vice Versa
10	$ 46.50	$ 31.00
10½	49.00	32.50
11	51.50	34.00
11½	54.00	35.50
12	56.00	37.00
12½	58.00	39.00
13	60.50	40.50

13½	$ 63.00	$ 42.00
14	65.00	43.50
14½	67.50	45.00
15	70.00	46.50
15½	72.50	48.00
16	74.50	49.50
16½	77.00	51.00
17	79.00	53.00
17½	81.50	54.50
18	83.50	56.00
18½	86.00	57.50
19	88.50	59.00
19½	91.00	60.50
20	93.00	62.00
20½	95.50	63.50
21	98.00	65.00
21½	100.00	67.00
22	102.50	68.00
22½	104.50	70.00
23	107.00	71.50
23½	109.50	73.00
24	111.50	74.50
24½	114.00	76.00
25	116.50	77.50
25½	119.00	79.00
26	121.00	80.50
26½	123.50	82.00
27	125.50	84.00
27½	128.00	85.50
28	130.00	87.00
28½	132.50	88.50
29	135.00	90.00
29½	137.50	91.50
30	139.50	93.00
30½	142.00	94.50
31	144.50	96.00
31½	147.00	97.50
32	149.00	99.00
32½	151.00	101.00
33	153.50	102.50
33½	156.00	104.00
34	158.00	105.50
34½	160.50	107.00
35	163.00	108.50

"(b) In addition to the above regular charges on draft, vessels over eleven thousand (11,000) gross tons shall be charged six dollars ($6.00) per each one thousand (1,000) gross tons or fraction thereof for pilotage from sea to Southport or Southport to sea and four dollars ($4.00) per each

one thousand (1,000) gross tons or fraction thereof for pilotage from Southport to Wilmington or Wilmington to Southport.

"(c) The charge for pilotage services in shifting any vessel within the harbor shall be twenty-five dollars ($25.00).

"(d) Detention of pilots on board vessels because of weather conditions preventing pilots being removed shall be charged at the rate of ten dollars ($10.00) per day plus transportation cost for return trip.

"(e) A charge of ten dollars ($10.00) shall be made for cancellation of vessel's sailing without at least one hour's notice of cancellation to pilot, except cancellation caused by weather conditions.

"(f) The charge for pilotage services during adjustment of compasses shall be fifty dollars ($50.00).

"(g) The charge for pilotage services during calibration of radio direction finder shall be fifty dollars ($50.00).

"(h) The charge for pilotage services during adjustment of compasses and calibration of radio direction finder shall be seventy-five dollars ($75.00).

"(i) All vessels calling at either of the Cape Fear River ports which require pilotage will pay full pilotage rates regardless of the reason of call."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 469 CHAPTER 1043

AN ACT AMENDING CHAPTER 930, SESSION LAWS OF 1953 AND CHAPTER 607, SESSION LAWS OF 1957, RELATING TO THE APPROPRIATION OF FUNDS BY THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY TO THE CHAMBERS OF COMMERCE OF THE VARIOUS MUNICIPALITIES IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 930, Session Laws of 1953, which amends Section 1 of Chapter 605, Public-Local Laws of 1919, be and the same is hereby amended by striking out the words and figures "seventy-five hundred dollars ($7500.00)" appearing in line 7 of said Section and inserting in lieu thereof the words and figures "twelve thousand, five hundred dollars ($12,500.00)".

Sec. 2. That Section 1 of Chapter 607, Session Laws of 1957, which amends Section 1 of Chapter 605, Public-Local Laws of 1919, be and the same is hereby amended by striking out the words and figures "seventy-five hundred dollars ($7500.00)" appearing in lines 7 and 8 of said Section and inserting in lieu thereof the words and figures "twelve thousand five hundred dollars ($12,500.00)."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 471 CHAPTER 1044

AN ACT AMENDING CHAPTER 880 SESSION LAWS OF 1951 RELATING TO THE COLLECTION OF PROCEEDS FROM PARKING METER VIOLATIONS IN THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 880, Session Laws of 1951, be and the same is hereby rewritten to read as follows:

"Section 1. All funds collected and received as a result of and from overtime parking violations in the parking meter zones and parking meter areas in the City of Wilmington shall be accounted for and paid into the General Fund of the City of Wilmington."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 472 CHAPTER 1045

AN ACT TO ESTABLISH A LAW LIBRARY IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of County Commissioners, the Clerk of the Superior Court, and the President of the Bar Association of Vance County and their successors in office, be and they are hereby, constituted the custodian of all books, supplies, equipment and furniture of the law library which shall be kept and maintained for the County of Vance and the use of the officials of said county and the courts held therein.

Sec. 2. All books, equipment, supplies and furniture of said library shall be the property of the County of Vance and said county is authorized and empowered to hold said property and to add thereto from time to time by gift, donation, purchase, or otherwise, such books, records, equipment and furniture as may be deemed reasonably necessary and proper for the use of said officials and courts.

Sec. 3. The Clerk of the Superior Court of Vance County shall be, and he is hereby, constituted to act as librarian of said library without compensation. It shall be the duty of said librarian to keep said library open during such hours as may be fixed by the custodian hereinbefore provided for and shall obey all rules and regulations which may be prescribed for the government and management of said library.

Sec. 4. In order to provide for the establishment, extension, maintenance and support of the said library, the sum of fifty cents (50¢) shall be taxed as costs and collected by the Clerk of the Superior Court in each and every case tried and disposed of in the Superior Courts of Vance County after the effective date of this Act, except in cases in which said county is adjudged to pay all costs, and shall be set apart in a fund to be known and designated as the Law Library Fund, and said fund shall be deposited by the Clerk of the Superior Court in a bank designated for that purpose, and shall be used solely for the purpose of the establishment, extension, maintenance and operation of the said library.

Sec. 5. It shall also be the duty of the Clerk of the Recorder's Court of Vance County, after the effective date of this Act, to collect from the defendant in each and every case finally disposed of in his court, except in cases in which Vance County is adjudged to pay all costs, the sum of fifty cents (50¢) which amount shall be immediately paid to the Clerk of the Superior Court of Vance County to supplement the aforesaid library fund and which shall be expended in the way and manner provided in this Act.

Sec. 6. From the funds so collected from time to time as provided in Sections 4 and 5 of this Act, it shall be the duty of the Clerk of the Superior Court of Vance County to purchase and pay for such volumes and sets of books as shall be recommended and agreed upon from time to time by the Chairman of the Board of Commissioners of Vance County, the Clerk of the Superior Court of said county, and a committee to be appointed annually by the Vance County Bar Association. All checks on said account shall be drawn and signed by the Clerk of the Superior Court of Vance County, and it shall be the duty of the said clerk to keep a correct account of all receipts and disbursements in connection with the said library fund.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 473 CHAPTER 1046

AN ACT TO VALIDATE ALL SIDEWALK, CURB AND GUTTER AND STREET PAVING ASSESSMENTS BY THE TOWN OF FOUNTAIN IN PITT COUNTY.

WHEREAS, the Town of Fountain did, at various times from 1949 to 1953, pursuant to petitions signed by the owners of abutting property, assess various properties with sidewalk, curb and gutter and street paving assessments; and

WHEREAS, during said periods, there were different part-time clerks keeping the records for the town; and

WHEREAS, said records were not properly kept in bound volumes as they should have been and some have been misplaced through the years; and

WHEREAS, it is desirable to have a bill enacted by the Legislature of the State of North Carolina validating said assessments: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All actions heretofore taken by the officers and employees of the Town of Fountain in assessing various properties in said county with sidewalk, curb and gutter and street paving assessments are hereby in all respects confirmed, ratified and validated.

Sec. 2. Nothing in this Act shall have the effect of preventing any property owner from pleading the statute of limitations which has or may run against such assessments.

Sec. 3. This Act shall not affect pending litigation.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 478

CHAPTER 1047

AN ACT AMENDING CHAPTER 708, SESSION LAWS OF 1943 AS AMENDED BY CHAPTER 602, SESSION LAWS OF 1945, SO AS TO REQUIRE NEW HANOVER COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PAY INTO THE RETIREMENT SYSTEM FOR EMPLOYEES OF THE CITY OF WILMINGTON THE AMOUNT FOUND NECESSARY AND ACTUALLY PAID BY THE CITY OF WILMINGTON IN BEHALF OF THE EMPLOYEES OF SAID BOARD.

The General Assembly of North Carolina do enact:

Section 1. That subsection (f), Section 7 of Chapter 708, Session Laws of 1943, as added by Chapter 602, Session Laws of 1945, be and the same is hereby amended by striking from lines 16, 17, 18, 19 and 20 of said subsection the following language:

"The said Board is further authorized and required to deduct monthly from its receipts and/or funds in hand a sum equal to five per centum (5%) of the aggregate of all salaries or compensation paid to its regular employees;" and substituting in lieu thereof the following:

"The said Board is further authorized and required to deduct monthly from its receipts and/or funds in hand such a sum as found necessary and actually paid by the City of Wilmington in behalf of the employees of said Board;"

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 479 CHAPTER 1048

AN ACT AUTHORIZING THE GOVERNING BODY OF THE CITY OF WILMINGTON TO ADOPT BUILDING, GAS, HEATING AND ELECTRICAL CODES BY REFERENCE.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the City of Wilmington be and it is hereby authorized to adopt building codes, gas codes, heating codes and electrical codes by reference rather than by printing the entire code into the ordinance adopting such code.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 480 CHAPTER 1049

AN ACT TO AMEND G. S. 152-5 RELATING TO THE COMPENSATION OF THE CORONER OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 152-5, entitled "Fees of Coroners.", is hereby amended by adding at the end thereof a new paragraph applicable only to New Hanover County and to read as follows:

"Provided that in New Hanover County the Coroner shall be compensated for his services by a salary to be fixed by the Board of County Commissioners of New Hanover County in their sound discretion. Such salary shall be paid to the coroner in lieu of all other fees heretofore paid or accruing to him by virtue of his office, and shall be in full compensation for services rendered by him as coroner."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 481 **CHAPTER 1050**

AN ACT RATIFYING AND CONFIRMING THE NOMINATIONS AND ELECTIONS OF MEMBERS OF THE HARNETT COUNTY BOARD OF COMMISSIONERS FOR THE YEARS 1948, 1950, 1952, 1954, 1956 and 1958.

WHEREAS, Section 1 of Chapter 48, Session Laws of 1947, divides Harnett County into five districts for the purpose of nominating and electing members of the board of county commissioners; and

WHEREAS, Section 2 of said Act provides for the election of members of said board of county commissioners in the general election by the qualified voters of the entire county but said Section does not clearly indicate the legislative intent as to whether candidates shall be nominated by only the voters of the districts in which the respective candidates reside or by conventions participated in by only delegates from the districts in which the respective candidates reside or whether the candidate representing each district shall be nominated by the voters of the entire county or by all the delegates in a county convention; and

WHEREAS, the Democratic candidates have heretofore been nominated by only the voters of the district in which the candidates representing a particular district reside and have not been voted upon in the primary by the voters of the entire county: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the nominations and elections of members of the Board of County Commissioners of Harnett County for the years 1948, 1950, 1952, 1954, 1956 and 1958 be and the same are each hereby in all respects ratified, confirmed and validated.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 487 **CHAPTER 1051**

AN ACT TO AMEND CHAPTER 602 OF THE PUBLIC-LOCAL LAWS OF 1913 AND CHAPTER 482 OF THE PUBLIC-LOCAL LAWS OF 1939 AND REGULATING THE DEMAND FOR JURY TRIALS IN THE RECORDER'S COURT OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 15 of Chapter 602 of the Public-Local Laws of 1913 of North Carolina is hereby repealed.

Sec. 2. Section 4 of Chapter 482 of the Public-Local Laws of 1939 of North Carolina is hereby repealed.

Sec. 3. The defendant or the prosecuting attorney representing the State, in any criminal action in the Recorder's Court of Harnett County,

of which said court has final jurisdiction, or either party in any civil action, may demand and have a jury who shall hear the same.

Sec. 4. In a criminal action a trial by jury must be demanded at the time the case is called for trial and in a civil action a trial by jury must be demanded at the time of joining the issue of fact, or within ten days thereafter, and if neither party demands a jury at such time, both parties shall be deemed to have waived a trial by jury.

Sec. 5. Six jurors shall constitute a jury in the Harnett County Recorder's Court, but, by consent of both parties, a lesser number may constitute a jury.

Sec. 6. The Clerk of the Board of Commissioners of Harnett County shall forthwith, and biennially thereafter, furnish to the Clerk of the Harnett County Recorder's Court, a list of all qualified jurors of Harnett County, except those living in Averasboro Township.

The Clerk of the Recorder's Court shall keep a jury box having two divisions, marked respectively No. 1 and No. 2, and having two locks, the keys to be kept by the clerk. He shall cause the names on the jury list to be written on small scrolls of paper of equal size, and to be placed in the jury box in the division marked No. 1, until drawn out for the trial of an issue, as required by law.

Sec. 7. When a demand is made for a jury trial, the Judge of the Recorder's Court of Harnett County shall immediately set a date for the trial of the same, but in no event shall said action be set to be heard earlier than one week from the date such demand is made, and the clerk of said court shall direct and supervise the drawing for the trial of those cases set of a sufficient number of jurors, who shall be summoned and directed to appear at the time and place set for the trial of said actions.

Sec. 8. The clerk of said court shall, immediately after the drawing of jurors, cause the Sheriff of Harnett County, or any other law enforcement officer of said county, to summon the jurors so drawn.

Sec. 9. At the time and place appointed if the trial be not further adjourned, and if adjourned, then at the time and place to which the trial shall be adjourned, the clerk of said court shall proceed in the presence of the parties to draw from the jurors summoned the names of six persons to constitute a jury for the trial of the issue.

Sec. 10. Each party shall be entitled to three preemptory challenges of the persons drawn for jurors.

Sec. 11. If a competent and indifferent jury is not obtained from the jurors drawn, as before specified, the judge may direct a sufficient number of persons to be summoned by the Sheriff of Harnett County in order to complete the jury.

Sec. 12. The jury shall be sworn and empanelled by the clerk who shall record its verdict in his docket.

Sec. 13. All persons summoned to serve as jurors in Section 7 who appear for the trial of actions shall receive a fee of five dollars ($5.00). All other persons who are sworn and empanelled as jurors in the trial of any case shall receive the sum of five dollars ($5.00) per day.

Sec. 14. In order to provide sufficient funds for the payment of the fees of the persons summoned to serve as jurors under the provisions of this Act, the party convicted or adjudged to pay the costs shall be taxed the sum of twenty dollars ($20.00), and the same shall be collected by the clerk of said court in each and every case tried and disposed of before the jury, to be used for the payment of juror fees as provided in this Act.

Sec. 15. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 16. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 501

CHAPTER 1052

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE CITY OF STATESVILLE TO DETERMINE WHETHER ALCOHOLIC BEVERAGE CONTROL STORES SHALL BE ESTABLISHED IN SAID CITY AND TO PRESCRIBE THE METHOD OF OPERATION AND THE DISPOSITION OF THE NET PROFITS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Upon a petition to the governing body of the City of Statesville, signed by residents of the said city equal in number to fifty per cent (50%) of the highest number of votes ever cast in a municipal primary or general election in said city, all said petitioners being registered and qualified voters of said city, the governing body of said city shall order an election to be held on the question of whether or not City Alcoholic Beverage Control Stores may be operated in the City of Statesville; and if a majority of the votes cast in such an election shall be for the operation of such stores, it shall be legal for Alcoholic Beverage Control Stores to be set up and operated in the City of Statesville, but if a majority of the votes cast in said election shall be against the operation of said Alcoholic Beverage Control Stores, no such stores shall be set up or operated in the City of Statesville under the provisions of this Act.

Sec. 2. The governing body of the City of Statesville may submit the question herein above-mentioned and call a special election for the purpose of submitting said question at any time after the receipt of the petition required by Section 1 of this Act. In the event said special election is called the same shall be held and conducted on the date fixed by the governing body of the City of Statesville. A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register in said Alcoholic Beverage Control election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For City Alcoholic Beverage Control Stores", "Against City Alcoholic Beverage Control Stores". Those favoring setting up and operating Alcoholic Beverage Control Stores in the

City of Statesville shall mark in the voting square to the left of the words, "For City Alcoholic Beverage Control Stores", printed on the ballot and those opposed to City Alcoholic Beverage Control Stores shall mark in the voting square to the left of the words, "Against City Alcoholic Beverage Control Stores". Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to general elections for the governing body of the City of Statesville, and the cost shall be paid from the general fund of the City of Statesville.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against City Alcoholic Beverage Control Stores", the City Alcoholic Control Board shall within three months from the canvassing of such votes and the declaration of the results thereof, close said stores and shall thereafter cease to operate the same, and within said three months the City Control Board shall dispose of all alcoholic beverages on hand, all fixtures and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the city treasurer. Thereafter, all Public, Public-Local and Private Laws applicable to the sale of intoxicating beverages within said City of Statesville in force and effect prior to the authorization to operate City Alcoholic Beverage Control Stores shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For City Alcoholic Beverage Control Stores". No election shall be called and held in the City of Statesville under the provisions of this Act within three years from the holding of the last election thereunder.

Sec. 4. If the operation of City Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the governing body of the City of Statesville shall immediately create a City Board of Alcoholic Control to be composed of a chairman and two other members who shall be well known for their character, ability and business acumen. Said board shall be known and designated as "The City of Statesville Board of Alcoholic Control". The members and chairman of said board shall be designated by the mayor and governing body of the city and the member designated as chairman shall serve for his first term a period of three years. As to the other members, one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year; and all terms shall begin with the date of their appointment. Thereafter, as the terms of the chairman and members expire, their successors in office shall serve for terms of three years each, and until their successors are appointed and qualified. Any vacancy shall be filled by the governing body of the City of Statesville for the unexpired term. Compensation of the members of said City Board of Alcoholic Control shall be fixed by the governing body of the City of Statesville.

Sec. 5. The said City of Statesville Board of Alcoholic Control shall have all of the powers and duties imposed by G. S. 18-45 on County Boards

of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as County Boards of Alcoholic Control as provided in G. S. 18-39. The said City of Statesville Board of Alcoholic Control and the operation of any City Alcoholic Beverage Control Stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes of North Carolina except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include the City of Statesville Board of Alcoholic Control. The City of Statesville Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem wise and fix their compensation.

Sec. 6. Out of the gross profits derived from the operation of said Alcoholic Beverage Control Stores and after the payment of all costs and operating expenses, and after retaining sufficient and proper working capital, the amount thereof to be determined by the City of Statesville Board of Alcoholic Control, said board shall spend for law enforcement purposes and appropriate to nonprofit, cultural and/or educational organizations or institutions, including libraries, in Iredell County, fifteen percent (15%) of the net profits derived from the operation of said stores, as determined by quarterly audits. The amount to be apportioned for law enforcement and to each of the various cultural or educational organizations, institutions, or libraries shall be determined from year to year by the governing body of the City of Statesville.

In the expenditure of funds for law enforcement, the City Board of Alcoholic Control shall employ one or more persons as law enforcement officers, to be appointed by and to be directly responsible to, said board. The persons so appointed shall, after taking the oath prescribed by law for peace officers, have the same powers and authorities within Iredell County as other peace officers have; and any such person so appointed, or any other peace officer, while in hot pursuit of anyone found to be violating the prohibition laws of this State, shall have the right to go into any other county of the State and arrest such defendant therein, so long as such hot pursuit of such person shall continue, and the common law of hot pursuit shall be applicable to such offenses and such officers. Any law enforcement officer appointed by said City Board of Alcoholic Control and any other peace officer is hereby authorized, upon request of the sheriff or other lawful officer in any other county, to go into such other county and assist in suppressing a violation of the prohibition laws therein, and while so acting shall have such powers as a peace officer as are granted to him in Iredell County and be entitled to all the protection provided for said officer while acting in his own county.

Out of the remaining net profits derived from the operation of said Alcoholic Beverage Control Stores, the City of Statesville Board of Alcoholic Control shall on a quarterly basis pay over to the following-named boards of education, amounts equal to the percentages of the net profits which shall be expended by said boards of education for the following purposes and none other:

(a) Fifty percent (50%) to the Statesville City Board of Education, to supplement the capital outlay budget.

(b) Thirty-five percent (35%) to the Iredell County Board of Education and the Mooresville City Board of Education, to be divided between said two boards of education on a per capita enrollment basis, and to be used to supplement the capital outlay budgets.

The funds paid over to each of the three boards of education, as provided for in this Section, may be accumulated from year to year, in case it shall not be necessary to expend the same during the fiscal year in which collected and paid over.

Sec. 7. The City of Statesville Board of Alcoholic Control may authorize the establishment and operation of additional stores within the municipality if, in its discretion, it finds the same desirable.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 9 CHAPTER 1053

AN ACT TO MAKE APPROPRIATIONS FOR THE MAINTENANCE OF THE STATE'S DEPARTMENTS, BUREAUS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

GENERAL FUND

Section 1. That appropriations out of the General Fund of the State for the maintenance of the State's departments, bureaus, institutions, and agencies, and for other purposes as enumerated are hereby made for the two fiscal years ending June 30, 1960 and June 30, 1961 respectively, according to the following schedule:

I. GENERAL GOVERNMENT:

	1959-60	1960-61
General Assembly	$	$ 853,170
Supreme Court	279,336	279.336
Superior Courts	836,116	836,116
Judicial Council	8,880	8,880
The Governor's Office	126,924	132,562
The Lieutenant Governor	3,100	3,100
Department of Administration	1,303,193	1,321,210
Department of Personnel	158,137	159,838
Merit System Council	44,123	44,485
Secretary of State	94,448	95,319
State Auditor	212,962	216,613

	1959-60	1960-61
State Treasurer:		
1. State Treasurer	$ 163,791	$ 161,180
2. Local Government Commission	78,686	78,689
Department of Justice:		
1. Attorney General	158,852	159,604
2. Bureau of Investigation	293,321	308,164
3. General Statutes Commission	5,130	5,130
Department of Revenue	3,637,200	3,716,613
Department of Tax Research	68,258	75,085
Tax Review Board	12,285	12,527
State Board of Elections	23,744	24,784
Contingency and Emergency:		
1. To provide for contingency and emergency expenditures for any purpose authorized by law for which no specific appropriation is made hereunder, or for which inadvertently an insufficient appropriation has been made under this Section. $750,000 of the $4,250,000 appropriated for the biennium 1959-61 shall be available exclusively for use in connection with payment of expenses incurred by the North Carolina National Guard. Allotments to be made from this appropriation under the provisions of Section 12 of Article 1 of Chapter 143 of the General Statutes of North Carolina, or such other statutes as may be applicable	2,125,000	2,125,000

II. PUBLIC SAFETY AND REGULATION:

The Adjutant General:		
1. Adjutant General's Office	481,053	484,535
2. Armory Commission	55,500	21,000
State Civil Air Patrol	15,000	15,000
State Council of Civil Defense	76,765	72,940
Department of Motor Vehicles:		
1. Automobile Drivers' Financial Responsibility Program	196,649	198,502
Utilities Commission	239,642	242,218
Insurance Department:		
1. Insurance Department	347,024	353,119
2. State Property Fire Insurance	250,000	250,000
3. Firemen's Relief	1,750	1,750
4. Building Code Council	7,311	7,258
Department of Labor	459,613	468,713
Industrial Commission	260,969	261,238
State Board of Alcoholic Control	448,598	451,088

	1959-60	1960-61
III. CORRECTION:		
Board of Correction and Training:		
1. General Administration	$ 47,581	$ 49,508
2. Stonewall Jackson Training School	406,391	413,007
3. State Home and Industrial School for Girls	266,644	273,326
4. Morrison Training School	423,572	409,976
5. Eastern Carolina Training School	199,896	206,712
6. State Training School for Negro Girls	158,239	185,039
7. New Training School at McCain	189,629	183,235
Fugitives from Justice	6,000	6,000
IV. PUBLIC WELFARE:		
Department of Public Welfare	8,651,277	8,977,383
State Commission for the Blind	947,988	957,963
Veterans Commission:		
1. Veterans Commission	321,006	324,098
2. County Service Officers	90,000	90,000
Confederate Women's Home	55,531	56,755
Oxford Orphanage	52,250	52,250
Junior Order Orphanage	55,000	55,000
Oxford Colored Orphanage	86,000	86,000
Odd Fellows Home	11,000	11,000
Pythian Orphanage	11,000	11,000
Alexander Schools, Inc.	22,000	22,000
V. EDUCATION:		
Department of Public Instruction	526,553	533,612
State Board of Education:		
1. Nine Months School Fund	160,716,430	164,428,936
2. State Board of Education	264,482	266,823
3. Vocational Education	4,795,076	4,870,614
4. Purchase of Free Textbooks	1,839,046	2,301,522
5. Vocational Textile School	74,799	79,259
6. Purchase of School Buses	2,388,828	2,639,690
7. Administration of State School Plant Construction, Improvement and Repair Fund	74,469	82,127
8. Vocational Rehabilitation	716,692	762,035
9. Instruction and Training for Trainable Mentally Handicapped Children	200,066	230,159
10. National Defense Education Program	50,000	50,000
State Board of Higher Education	65,228	66,484
University of North Carolina (Consolidated):		
1. General Administration	175,013	173,120
2. University of North Carolina:		
a. University of North Carolina	5,331,099	5,447,273
b. Computer Laboratory	75,000	75,000
c. Division of Health Affairs	2,453,529	2,629,967

	1959-60	1960-61
3. State College of Agriculture and Engineering	$ 5,117,197	$ 5,376,048
4. The Woman's College	1,857,058	1,894,972
East Carolina College	1,689,743	1,889,752
The Agricultural and Technical College	1,349,988	1,339,705
Western Carolina College	690,842	691,565
Appalachian State Teachers College	978,629	985,516
Pembroke State College	208,097	211,622
Winston-Salem Teachers College	448,530	455,198
Elizabeth City State Teachers College	347,159	340,994
Fayetteville State Teachers College	379,376	333,322
North Carolina College at Durham	1,053,752	1,058,627
North Carolina School for the Deaf	865,095	869,271
State School for the Blind and the Deaf	752,641	763,301
Student Loan Funds:		
1. State Board of Education—Teacher Education	330,000	435,000
North Carolina Educational Radio and Television Commission:		
1. University of North Carolina—General Administration—WUNC-TV	62,506	58,291
2. University of North Carolina — Station WUNC-TV	53,499	54,326
3. State College—Station WUNC-TV	53,383	54,183
4. The Woman's College—Station WUNC-TV	39,226	34,862
Department of Archives and History	314,235	300,243
State Library:		
1. State Library	119,707	119,394
2. State Aid to Public Libraries	455,776	456,346
State Art Society	132,057	132,681
North Carolina Symphony Society, Inc.	30,000	30,000
Old Salem, Inc.	50,000	
Department of Administration:		
1. Community Colleges	208,662	236,631
2. Reserve for Higher Education Examination Program	25,000	25,000
VII. NON-HIGHWAY TRANSPORTATION:		
State Ports Authority	182,778	182,808
VIII. HEALTH AND HOSPITALS:		
State Board of Health	3,130,849	3,143,924
Medical Care Commission:		
1. Medical Care Commission—Administration	86,053	86,889
2. Indigent Care	325,000	325,000
University of North Carolina:		
1. Memorial Hospital Psychiatric Center	527,403	535,988
2. Memorial Hospital	1,298,226	1,368,769

	1959-60	1960-61
Hospitals Board of Control:		
1. General Administration	$ 215,683	$ 216,132
2. Alcoholic Rehabilitation	198,827	199,450
3. State Hospital at Raleigh	3,717,580	3,756,699
4. State Hospital at Morganton	3,621,299	3,671,838
5. State Hospital at Goldsboro	2,920,608	2,912,654
6. Goldsboro Training School	816,700	822,300
7. State Hospital at Butner	2,872,957	2,902,973
8. Butner Training School	1,222,028	1,522,433
9. Caswell Training School	2,265,160	2,294,617
North Carolina Orthopedic Hospital	449,451	455,686
North Carolina Cerebral Palsy Hospital	196,688	200,094
North Carolina Sanatorium System:		
1. General Administration	41,666	40,831
2. North Carolina Sanatorium	1,241,856	1,240,083
3. Western North Carolina Sanatorium	1,077,583	1,096,461
4. Eastern North Carolina Sanatorium	1,311,822	1,339,547
5. Gravely Sanatorium	467,267	472,629
North Carolina Cancer Institute, Inc.	26,000	26,000
IX. NATURAL RESOURCES AND RECREATION:		
Department of Conservation and Development:		
1. Department of Conservation and Development	2,507,478	2,469,329
2. Division of Commercial Fisheries	135,570	131,949
3. Division of Commercial Fisheries—Shellfish Division	106,932	107,388
4. State Planning Program	39,923	39,102
5. Kerr Reservoir Development Commission—Nutbush Conservation Area	26,374	25,702
6. Research Triangle	100,000	100,000
North Carolina Board of Water Commissioners	34,716	34,576
North Carolina National Park, Parkway and Forests Development Commission	8,114	8,561
University of North Carolina—Institute of Fisheries Research	82,710	83,713
State College—Industrial Experimental Program	93,754	95,954
Rural Electrification Authority	66,106	66,482
North Carolina Recreation Commission	65,211	66,232
Bennett Memorial—Durham, N. C.	50	50
Confederate Museum—Richmond, Va.	200	200
Confederate Cemetery—Raleigh, N. C.	350	350
Department of Archives and History — Tryon Palace Commission	72,887	69,055

X. AGRICULTURE:

	1959-60	1960-61
Department of Agriculture—Contribution from General Fund	$ 1,121,213	$ 1,245,222
Agricultural Experiment Station—State College	1,958,102	1,997,302
Cooperative Agricultural Extension Service—State College	2,599,184	2,649,583
State Soil Conservation Committee	30,550	30,550

XII. RETIREMENT AND PENSIONS:

Teachers and State Employees Retirement System:		
1. Administration	276,095	283,175
2. State Contributions	14,920,365	15,166,011
3. Teachers and State Employees Who had Attained Age 65 at August 1, 1959	73,000	72,000
4. Minimum Retirement Benefits	592,000	621,000
Law Enforcement Officers' Benefit and Retirement Fund — Contributions From General Fund	11,608	12,128
Pensions—Confederate Widows	122,868	112,668
Pensions—Widows of Governors	18,000	18,000

XIII. DEBT SERVICE:

Interest on Bonds	2,782,501	3,379,658
Redemption of Bonds	4,800,000	6,549,000
Interest on Bond Anticipation Notes	40,000	—0—
Interest on Tax Anticipation Notes	150,000	150,000
Landscrip Fund	7,500	7,500
XIV. SALARY ADJUSTMENTS OF STATE EMPLOYEES SUBJECT TO THE PERSONNEL ACT	350,000	350,000
XV. SALARY INCREASES OF STATE EMPLOYEES SUBJECT TO PERSONNEL ACT	1,983,000	1,983,000

HIGHWAY FUND

Sec. 2. That appropriations out of the Highway Fund of the State for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of the highway activities, are hereby made for the two fiscal years ending June 30, 1960, and June 30, 1961, respectively, according to the following schedule:

	1959-60	1960-61
II. PUBLIC SAFETY AND REGULATION:		
Department of Motor Vehicles	$ 8,840,168	$ 8,915,381
Transportation Inspection (to Utilities Commission)	144,802	149,339
III. CORRECTION:		
Prison Department	3,734,958	3,679,988
Probation Commission	457,331	522,439
Board of Paroles	367,472	355,413
VI. HIGHWAYS:		
State Highway Commission:		
1. Merit Salary Increments	911,302	1,448,233
2. Reserve for Contingencies	500,000	500,000
3. General Administration	1,308,621	1,302,855
4. Engineering Administration and Supervision	3,943,166	3,901,245
5. State Maintenance and Construction:		
a. Primary System	17,908,724	18,064,304
b. Secondary System	43,711,071	44,350,126
c. Urban System	3,055,448	3,104,608
d. Public Service Roads	500,000	500,000
6. State Funds to Match Federal Aid Construction	25,951,667	26,500,993
7. State Aid to Municipalities	6,823,333	7,141,666
8. Capital Improvements	593,249	—0—
XII. RETIREMENT AND PENSIONS:		
Contribution to Retirement System—Regular	2,135,561	2,157,981
Contribution to Retirement System—Salary Increases	77,432	80,792
XIII. DEBT SERVICE:		
Interest on and Redemption of Highway Bonds	12,249,563	12,259,250
XIV. SALARY ADJUSTMENTS OF STATE EMPLOYEES SUBJECT TO THE PERSONNEL ACT	150,000	150,000
XV. SALARY INCREASES OF STATE EMPLOYEES SUBJECT TO THE PERSONNEL ACT	1,346,640	1,346,640
(Transfers and changes may be made in the Highway Fund from Merit Salary Increments, Reserve for Contingencies, Salary Increases of State Employees Subject to the Personnel Act and Salary Adjustments to other operating appropriations in the Highway Fund		

under authorization by the Director of the Budget. Transfers and changes may be made to and/or from Title VI-5(a), (b), (c) and (d) VI-6 under authorization by the Director of the Budget: Provided, Title VI-5(a), (b), (c) and (d) VI-6 shall not be reduced more than fifteen per cent (15%).

(Provided, in the event the receipts and/or increments to the Highway Fund shall be more than the appropriations herein made, such excess may be made available by the Director of the Budget for expenditures either in the current on next succeeding year under Titles VI—three, four, five and six.)

AGRICULTURAL FUND

Sec. 3. That appropriations out of the Agriculture Fund of the State for maintenance of agricultural activities are hereby made for the two fiscal years ending June 30, 1960, and June 30, 1961, respectively, according to the following schedule:

	1959-60	1960-61
1. Department of Agriculture	$1,429,513	$1,303,935
2. State Fair (The State Fair may be operated within its own receipts in the discretion of the State Board of Agriculture.)		

WILDLIFE RESOURCES COMMISSION

Sec. 3.1. Notwithstanding any laws or clauses of laws pertaining to the Wildlife Resources Commission, there is hereby appropriated out of funds available to the Wildlife Resources Commission the following sums for the biennium 1959-61, subject to expenditure under the provisions of the Executive Budget Act, Chapter 143, Article 1, General Statutes of North Carolina:

	1959-60	1960-61
1. Wildlife Resources Commission	$2,648,862	$2,434,281

Sec. 4. That fees or compensations to be paid members of boards or commissions for attendance out of or under the appropriations made in Sections 1, 2, 3, and 3.1 of this Act shall be fixed at rates per diem as shown in the following schedule:

Advisory Budget Commission, seven dollars ($7.00) and necessary travel expenses, provided that the per diem rate during the period July 1, 1960, to December 31, 1960, shall be twenty-five dollars ($25.00).

State Board of Education, seven dollars ($7.00) and necessary travel expenses.

State Highway Commission, seven dollars ($7.00) and necessary travel expenses.

State Board of Alcoholic Control, seven dollars ($7.00) and necessary travel expenses.

State Board of Agriculture, seven dollars ($7.00) and necessary travel expenses.

State Board of Health, seven dollars ($7.00) and necessary travel expenses.

State Board of Elections, seven dollars ($7.00) and necessary travel expenses.

Medical Care Commission, seven dollars ($7.00) and necessary travel expenses.

State Personnel Council, seven dollars ($7.00) and necessary travel expenses.

Board of Conservation and Development, seven dollars ($7.00) and necessary travel expenses.

North Carolina State Ports Authority, seven dollars ($7.00) and necessary travel expenses.

State Hospitals Board of Control, seven dollars ($7.00) and necessary travel expenses.

Board of North Carolina Hospital for Treatment of Cerebral Palsy, seven dollars ($7.00) and necessary travel expenses.

State Board of Correction and Training, seven dollars ($7.00) and necessary travel expenses.

Board of Directors of the North Carolina Sanatoria for the treatment of Tuberculosis, seven dollars ($7.00) and necessary travel expenses.

All other boards and commissions, including those governing the institutions, but not increasing such as its members are now serving without compensation, seven dollars ($7.00) per day and necessary travel expenses.

Travel expenses allowed board and commission members shall be as follows: For transportation, using personally-owned automobile, seven cents (7¢) per mile of travel; for bus, railroad and pullman, or other public conveyance, actual fare; for subsistence, hotel and meals, actual amount expended but not in excess of nine dollars ($9.00) per day. The schedule of per diem, subsistence and travel expenses provided for in this Section, except that provided herein for members of the Advisory Budget Commission shall apply to members of all other boards and commissions not specifically mentioned herein except such as its members are now serving without compensation and all special provisions of other laws relating to such per diem, subsistence and travel expenses are hereby modified and amended to conform to this Section.

Sec. 5. That appropriations provided in this Act shall be in lieu of all appropriations or allowances for the Alcoholic Beverage Control Board, the Department of Revenue, or any other board, bureau or agency of the State by the Revenue Act, Chapter 158 of the Public Laws of 1939 as amended.

GENERAL PROVISIONS

Sec. 6. That allowances out of or under the appropriations made in Sections 1, 2, 3, and 3.1 of this Act and out of receipts of departments and agencies operating out of their own receipts for travel expenses cover only ordinary field travel and occasional travel in connection with the work of the department, institution, or agency, and shall be so limited, unless

provision is made through a travel authorization by the Director of the Budget for out-of-State travel. Allowances covering only actual expenses, shall not be made in excess of the following:

For subsistence, hotel and meals, actual expenses not to exceed nine dollars ($9.00) per day; for out-of-State travel when authorized, actual expenses not to exceed twelve dollars ($12.00) per day; for transportation, using personally-owned automobile, seven cents (7¢) per mile of travel; for bus, railroad, pullman or other public conveyance, actual fare.

Sec. 7. That all insurance and all official, fidelity, and surety bonds authorized for the several departments, institutions, and agencies shall be effected and placed by the Insurance Department, and the cost of such placement shall be liquidated by the department, institution, or agency involved upon bills rendered to and approved by the Insurance Commissioner.

SPECIAL PROVISIONS

Sec. 8. The appropriation made out of the Highway Fund for the Prison Department includes funds to be transferred or paid to the State Hospital at Raleigh and State Hospital at Goldsboro for care, custody and treatment of the criminally insane prisoners and to the North Carolina Sanatorium for care, custody and treatment of prisoners who have tuberculosis; with the amount of funds to be determined as follows: At the beginning of each month the State Hospital at Raleigh, the State Hospital at Goldsboro and North Carolina Sanatorium shall render to the Prison Department a bill, on the basis of the per capita cost per day for the preceding fiscal year as may be determined by the Director of the Budget, for the care, custody and treatment, during the preceding month, of criminally insane prisoners and prisoners who have tuberculosis who have been transferred from the Prison System to said institutions and the Prison Department shall pay such bills monthly.

Sec. 9. In addition to the salaries now established or that may hereafter be established for officers and members of the uniformed State Highway Patrol, each officer and member of the uniformed State Highway Patrol shall be paid the sum of forty dollars ($40.00) per month payable monthly as a subsistence allowance. This subsistence allowance shall be in addition to all allowances for subsistence and travel expenses which are otherwise provided by law.

Sec. 10. That all expenses of every kind, and including a reasonable charge by the General Services Division of the Department of Administration for the use of offices, occupancy and telephone service, by the Banking Department, shall be paid out of fees collected under Chapter 53, Section 122, of the General Statutes of North Carolina.

Sec. 11. That appropriations made to the North Carolina School for the Deaf and to the State School for the Blind and the Deaf under Section 1 of this Act, include provisions for the cost of clothing and transportation for indigent pupils. The institutions shall be reimbursed for these items by the counties liable thereof under the provisions of Chapter 116, Section 118, of the General Statutes of North Carolina.

Sec. 12. That appropriations made to the Oxford Colored Orphanage under Section 1 of this Act shall be available only if and when the expenditures shall be recommended by the trustees of the institution appointed by the Governor of the State, and the expenditures shall be under the supervision of said trustees.

Sec. 13. The sums herein included in the appropriation for the Department of Public Welfare over and above seven million, nine hundred thirty-one thousand, two hundred seventy-seven dollars ($7,931,277) for the fiscal year 1959-60, and eight million, forty-nine thousand, three hundred eighty-three dolars ($8,049,383) for the fiscal year 1960-61 together with any unexpended balances in the appropriations for the biennium 1957-59 for Old Age Assistance and Aid to Dependent Children, shall be set aside as a reserve for Old Age Assistance, Aid to Dependent Children, Boarding Home Program for Children, Aid to the Permanently and Totally Disabled, Hospitalization of Assistance Recipients, and Aid to County Welfare Administration, and said sums shall be available for allocation to the above-named programs in such amounts as may be determined by the State Board of Public Welfare, subject to approval by the Director of the Budget. Any additional funds allocated from the sums mentioned above for Aid to County Welfare Administration shall be apportioned to the counties on the basis of a uniform percentage increase in the State apportionment to the counties for Welfare Administration in order that each county will receive such uniform percentage increase over the amount it would otherwise have received had the additional allocation not been provided; and the additional allocation to each county shall be used to meet budget appropriations for Welfare Administration in such county as approved by the County Board of Public Welfare and the Board of County Commissioners.

Sec. 14. That the Director of the Budget is authorized, empowered and directed to allocate out of the Highway Fund, the Agriculture Fund, and other special operating funds employing personnel, the amount sufficient to meet the contributions necessary to be made in order to comply with the Act creating the Teachers' and State Employees' Retirement System.

Notwithstanding any other provisions of this Act, no part of the appropriation made in Section 1 of this Act to the Teachers' and State Employees' Retirement System as "contributions" under Title XII-2 shall be used to supply the State's or employer's contributions for retirement system purposes or social security purposes with respect to the portion of any employee's compensation derived exclusively from the collection of fees by any State department, institution or agency, for professional services other than teaching and research rendered by such employee; in such cases the State's matching funds for retirement system and social security purposes shall be paid from the same source as the above referred to portion of the employee's compensation and in the same proportion. Any question as to the applicability of the above sentence shall be resolved by the Advisory Budget Commission.

Sec. 15. That receipts of the North Carolina Industrial Commission collected under Section 100, subsection (j) of Chapter 97 of the General

Statutes of North Carolina originally credited as allotment deposits to the appropriation account of the North Carolina Industrial Commission, shall be collected as provided by law, but shall be deposited to the credit of the State Treasurer as General Fund revenue. In lieu of these receipts from the tax on self-insurers, sufficient appropriation out of General Fund revenue to operate the commission is provided. It is the intent of the General Assembly to remove the uncertainty from the operations of the commission and to stabilize on a definite appropriation basis.

Sec. 16. Whereas the appropriations heretofore made to the Industrial Commission for carrying out the provisions of the Workmen's Compensation Act as pertaining to occupational disease work or industrial hygiene work has been transferred to the State Board of Health because of Federal grants of funds, and since the responsibility for this work remains in the Industrial Commission, the following requirements of the Board of Health-Industrial Hygiene Division are enacted:

That the Industrial Hygiene Division of the State Board of Health is required to carry out all the provisions of the Workmen's Compensation Act as to occupational disease work under the direction and supervision of the Industrial Commission and that the Board of Health shall file with the Industrial Commission sufficient reports to enable it to carry out the provisions of the occupational disease law. After all occupational disease work has been completed as may be required by the Industrial Commission, the Board of Health may use the services of the Industrial Hygiene Division for any other work as may be found to be expedient and necessary.

Sec. 17. That not less than ninety per cent (90%) of the expenditures out of the appropriations for each year made to the State Board of Education under the Nine Months School Fund for Child Health Program shall be expended for diagnosis and the correction of chronic remediable physical defects of public school children through the Child Health Program of the State Board of Education in the following manner:

(1) Upon discovery of the defect, if it appears that the expenditure of school health funds will be required for correction through providing spectacles, prostheses, or other correction of chronic remediable defects, the appropriate school official shall forthwith notify the county superintendent of public welfare of the county in which the child resides. Thereupon, the superintendent of public welfare shall make such investigation as necessary and only upon his certification of financial need shall funds be expended for this purpose: Provided, however, that in cases of minor dental defects involving expenditures not in excess of ten dollars ($10.00), school and health department personnel may determine financial need.

(2) Child Health Program funds as defined in this Section shall be expended in accordance with a uniform State-wide schedule of fees and costs, and only to provide spectacles, prostheses and other correction of chronic remediable defects for public school children: Provided, that an amount not in excess of ten per cent (10%) of the appropriation for each year may be expended for case finding, health education and intensive follow-up services.

Sec. 18. That appropriations made in Section 1 of this Act for the purchase of public school buses under Title V-6 shall be permanent appropriations, not reverting to the General Fund at the end of the biennium 1959-61. These appropriations shall be transferred to a reserve account at the end of each fiscal year of the biennium and shall be held, along with any other funds that may have or hereafter be appropriated for the purchase of public school buses.

Sec. 19. The funds appropriated for the Department of Conservation and Development for fire prevention and control shall not be expended in any county unless said county shall contribute at least twenty-five per cent (25%) of the total cost of such fire prevention program.

Sec. 19.1. The sum of three thousand five hundred dollars ($3,500.00) for each year of the bienium 1959-61 may be allotted out of the Contingency and Emergency Appropriation for the support of the Regional Advisory Council on Nuclear Energy.

Sec. 19.2. Subject to a recommendation by the Advisory Budget Commission, funds not to exceed one hundred thousand dollars ($100,000.00) for each year of the biennium 1959-61 may be allotted out of the Contingency and Emergency Appropriation for use by the State Department of Agriculture, North Carolina Experiment Station, United States Department of Agriculture, for a witchweed control program.

Sec. 19.3. Subject to rules and regulations promulgated by the Department of Administration and approved by the Director of the Budget and State department, institution, commission or other agency of the State is hereby authorized to expend, from appropriations made in this Act, funds to pay the expenses of transporting the household goods and furniture of an employee and members of his household when such employee is directed by the employing agency to transfer from one location to another.

Sec. 20. The appropriations made to the Budget Division for the purposes of providing grants in aid toward maintenance and operation of community colleges at Charlotte, Asheville, and Wilmington, or any other Community College or colleges which may become eligible for grants under the provisions of Chapter 1098, Session Laws of 1957 are intended to constitute a lump sum from which payments will be made to each community college upon a certification by the North Carolina Board of Higher Education of the sum to which each community college has become entitled as a result of allowing three dollars and twenty-five cents ($3.25) per student quarter hour for instruction actually delivered to North Carolina residents in courses approved for such State aid by the said Board of Higher Education; and, furthermore, the Governor and Council of State are hereby authorized to allot additional money out of the Contingency and Emergency Fund in case the regular appropriations herein made for this purpose prove to be inadequate.

Sec. 20.1. The appropriation made to the Department of Administration for admissions testing programs shall be used to reimburse any State Institution of Higher Education for credits against tuition granted to entering students who have taken and paid for the Scholastic Aptitude

Test of the College Entrance Examination Board as administered by the Educational Testing Service on a preadmissions basis, and/or to any State Institution of Higher Education which selects to have these tests given to freshmen on a post-admissions basis for the purposes of assessing the relative scores of such freshmen with respect to national median scores; and, furthermore, the Governor and the Council of State are hereby authorized to allot additional money out of the Contingency and Emergency Fund in case the appropriation made in Section 1 of this Act for this purpose proves to be inadequate.

Sec. 21. For the biennium 1959-61 there shall, from time to time, be allocated to the State Board of Education from the Contingency and Emergency Fund such amounts as are necessary for education expense grants in accordance with Article 35, Chapter 115 of the 1957 Cumulative Supplement to the North Carolina General Statutes, and such amounts as are necessary for the administration of said Article.

SALARIES AND WAGES

Sec. 22. The Director of the Budget is authorized and empowered to transfer from the appropriations made in Sections 1 and 2 of this Act for Salary Adjustments of State Employees Subject to the Personnel Act, sums which may be required to adjust salaries as approved by the State Personnel Council and the Director of the Budget.

Sec. 22.1. There is hereby appropriated from the General Fund of the State to the State Board of Education for the purposes of supplementing the salaries of public school academic and vocational teachers, principals, supervisors, and superintendents sums not to exceed seven million, fifty-five thousand, nine hundred and twenty dollars ($7,055,920) for the fiscal year ending June 30, 1960, and sums not to exceed seven million, two hundred twenty thousand, one hundred and forty dollars ($7,220,140) for the fiscal year ending June 30, 1961; the appropriations herein provided are contingent and shall be paid at the end of each fiscal year only in the event that General Fund Revenues for each year shall exceed the following sums:

Fiscal Year 1959-60	$283,234,371
Fiscal year 1960-61	$283,212,955

For each one million, four hundred eleven thousand, one hundred and eighty-four dollars ($1,411,184) that General Fund Revenues collected for the year 1959-60 shall exceed two hundred eighty-three million, two hundred thirty-four thousand, three hundred seventy-one dollars ($283,234,371), a one per cent (1%) salary supplement shall be paid to the eligible public school personnel employed in the said year; provided, that individual salaries shall not be thereby cumulatively supplemented more than five per cent (5%). For each one million, four hundred and forty-four thousand, and twenty-eight dollars ($1,444,028) that General Fund Revenues collected for the year 1960-61, shall exceed two hundred eighty-three million, two hundred twelve thousand, nine hundred and fifty-five dollars ($283,212,955), a one per cent (1%) salary supplement shall be paid to the eligible public

school personnel employed in the said year; provided, that individual salaries shall not be thereby cumulatively supplemented more than five per cent (5%). Percentages shall be computed on the basis of 1958-59 base State salary schedules.

The State Board of Education is hereby directed to pay the aforesaid supplemental salaries only to those academic and vocational teachers, principals, supervisors, and superintendents who are regularly employed in the school system during a part or all of the regular school term ending prior to June 30, 1960, and June 30, 1961, respectively.

Sec. 22.1¼. Nothing in this Act or in the budget documents relating hereunto shall be construed to authorize the State Board of Education to grant to vocational teachers a pay increase at a higher percentage rate than the percentage rate which said Board shall fix for teachers under The Nine Months School Fund; but any surplus of salary funds which may accrue by virtue of giving effect to this Section may be used by the said Board to establish new vocational teacher positions.

Sec. 22.2. Deductions shall not be made under the provisions of Chapter 135 of the General Statutes, Teachers' and State Employees' Retirement System Act, from that portion of salaries paid in accordance with Section 22.1 of this Act.

Sec. 22.3. The appropriations included in Sections 1 and 2 of this Act shall be transferred by the Director of the Budget to departments, institutions and agencies as may be required to increase salaries effective July 1, 1959, for full-time, permanent employees in accordance with the following provisions; For granting a one step increment to each permanent, full-time employee subject to the provisions of the State Personnel Act, according to the increment schedule established by the Personnel Council as of June 30, 1959.

The increase provided by this Section shall not apply to positions exempt from the State Personnel Act. Any full-time, permanent employee whose salary is paid partially from the General Fund and partially from sources other than the General Fund shall receive a salary increase from the General Fund appropriation only in proportion to the extent that his salary is paid from the General Fund.

The salary increases for employees whose salaries are paid from receipts received from self-supporting activities shall be contingent upon availability of funds out of receipts which shall be determined by the Director of the Budget.

The salary increases shall not affect the status of eligibility for automatic and/or merit salary increments for which the employee may be eligible for the fiscal years 1959-61 notwithstanding the granting of the legislative salary increase.

The salary ranges for all employees shall be increased, so far as the maximum is concerned, by an amount equal to one increment, to the end that, even after the salary increase provided for in this Act is made, every employee will continue to have the same relative position with respect to salary increase and future increments as he would have had if the salary increases provided by this Act had not been made.

The salary increase provided in this Section shall not apply to persons separated from State service due to resignation, dismissal, reduction in force, death, retirement, or leave without pay, whose last work day is prior to July 1, 1959.

EFFECTIVE

Sec. 23. That the provisions of the Executive Budget Act, Chapter 143, Article 1, General Statutes of North Carolina, are re-enacted and shall remain in full force and effect.

Sec. 24. That if any Section or provision of this Act be declared unconstitutional or invalid by the courts, the same shall not affect the validity of the Act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Sec. 25. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 26. This Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 76 CHAPTER 1054

AN ACT TO AMEND THE LAW RELATING TO PRIMARY ELECTIONS FOR THE PURPOSE OF PROVIDING A METHOD OF FILLING THE VACANCY WHERE A CANDIDATE DIES BEFORE A PRIMARY ELECTION IS HELD.

The General Assembly of North Carolina do enact:

Section 1. Amend Article 19 of subchapter II of Chapter 163 of the General Statutes by adding, immediately after Section 163-145 and immediately before Section 163-146, a new Section which shall be designated as Section 163-145.1, and which new Section shall read as follows:

"Section 163-145.1. Death of Candidate Prior to Primary Election; Filling Vacancy; Procedure. (a) Whenever any candidate of a political party for nomination to any office in a primary election shall die before the primary ballots have been printed, or if printed and there is sufficient time left in the opinion of the proper Board of Elections to reprint the ballots before the primary, and there was only one other candidate filed for the same office of the same political party, then the Board of Elections with whom such deceased candidate filed shall immediately upon receiving notice of the death of such candidate, reopen the filing time for filing notices of candidacy for the same office, for a period of five (5) days. The names of all candidates of the same party as that of the deceased candidate who filed for such office during the period in which the filing time was reopened and who paid the proper filing fees, shall be printed on the primary ballots along with the other one candidate for the same office who had filed the first filing period, and shall be voted for in the first regular primary election."

"(b) Whenever any candidate of a political party for nomination to any office in a primary election shall die after the primary ballots for that

office have been printed, and in the opinion of the proper Board of Elections there is not sufficient time left to reprint the ballots for that office for the primary, and regardless of whether one or more other candidates has filed for nomination to such office in the same party, then the primary ballots shall not be reprinted, and the name of the candidate who had died since the ballots were printed shall remain on the primary ballots along with all the other party candidates for nomination to said office. In the event that the highest number of votes cast in the primary were for the deceased candidate, even though short of receiving a majority of the votes cast, the proper party executive committee shall appoint the party nominee under the provisions of Section 163-145 of the General Statutes of North Carolina. In the event that no candidate for such office received a majority of the votes cast in the first primary after one of the candidates had died, and the second highest vote short of a majority was cast for the deceased candidate in that primary, then it shall be considered as favoring the candidate receiving the highest vote in the first primary, and the candidate receiving the highest vote, even if short of a majority, shall be declared the party nominee to such office by the proper Board of Elections without a second primary being held."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 77 CHAPTER 1055

AN ACT TO AMEND G. S. 163-140 SO AS TO PROVIDE FOR A SECOND PRIMARY TO BE HELD TO NOMINATE A CANDIDATE WHERE TWO CANDIDATES RECEIVED A TIE VOTE IN THE FIRST PRIMARY.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 163-140 by adding at the end of the Section the following:

"In the event of a tie vote between two candidates for party nomination for a legislative, county or township office in the first primary, a recount of the votes for both candidates shall be made by the county board of elections in the county in which the two candidates were voted for, and the results of said recount shall be declared by the county board of elections. If such recount should still result in a tie vote, then a second primary shall be had on the date prescribed for holding second primaries between the two candidates having an equal vote, unless one of the two candidates should withdraw and file a written notice of withdrawal within three days thereafter with the proper board of elections with which the candidate filed his notice of candidacy. In the event of a tie vote in a primary election between two candidates for any district or State office, or for United States Senator, no recount shall be held by reason of the tie, but the two candidates having a tie vote shall be entered in a second primary to be held on

the prescribed date for second primaries, unless one of the two candidates files a notice of withdrawal with the State Board of Elections within three days after the results of the first primary have been officially declared and published. If in any second primary there is a tie vote between any two candidates, no third primary shall be held, but the proper party executive committee shall select the party nominee for such office in accordance with the provisions of G. S. 163-145.

"In the event of a tie vote between more than two candidates, all of whom received the same highest vote for party nomination, no recount shall be held, but all of such candidates shall run in a second primary and the one who receives the highest vote in the second primary shall be the nominee.

"In the event one candidate receives the highest number of votes cast, but short of a majority, and two or more other candidates receive the second highest number of votes cast in an equal number, then unless all but one of the tied candidates receiving the second highest number of votes withdraw in writing within three days after the official declaration of the results of the primary, the proper board of elections shall declare the candidate having the highest vote as the party nominee. If all but one of the candidates receiving the second highest vote withdraw in writing within the three-day period herein prescribed, and such remaining candidate demands in writing a second primary, then a second primary shall be held between the candidates receiving the highest vote and the remaining candidate who received the second highest vote."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 246 CHAPTER 1056

AN ACT TO REIMBURSE ROBERT JAMES OF DAVIE COUNTY FOR INJURIES RECEIVED BY HIM IN AIDING AN OFFICER IN THE ARREST OF ONE JACK PEACOCK.

WHEREAS, on the first day of June, 1957, Pfc. A. W. Cox, a State Highway Patrolman, was attempting to arrest one Jack Peacock who at the time was driving a stolen automobile; and

WHEREAS, the State Highway Patrolman was having difficulty placing Peacock under arrest and called upon Robert James to aid him in making the arrest. Robert James responded to the request and while aiding in placing Peacock in custody, Peacock kicked him to the ground and in the course of the struggle inflicted serious injuries on James which resulted in a broken leg and other injuries requiring extensive hospital and medical treatment and loss of time from work; and

WHEREAS, under G. S. 14-224, it is a criminal offense for any person to fail to aid an officer upon being requested to do so in arresting any person charged with crime; and

WHEREAS, the said Robert James has no legal remedy whereby he may be reimbursed for his hospital and medical expenses except by an Act of the General Assembly: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The North Carolina Industrial Commission is authorized and directed to investigate the claim of Robert James, of Davie County, arising out of the injuries and damage resulting to him as set forth in the preamble of this Act and upon production of satisfactory proof that the said James incurred the injuries in the manner and under the circumstances herein set forth the said Commission is authorized to pay to said Robert James such an amount, not to exceed two thousand dollars ($2,000.00), as the said Commission may find that Robert James has been damaged as herein set forth.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 347 CHAPTER 1057

AN ACT AMENDING CERTAIN SECTIONS OF ARTICLE 9, CHAPTER 106 OF THE GENERAL STATUTES, RELATING TO COMMERCIAL FEEDING STUFFS.

The General Assembly of North Carolina do enact:

Section 1. That Article 9, Chapter 106 of the General Statutes, be and the same is hereby amended by adding a new Section immediately following G. S. 106-95 to be numbered G. S. 106-95.1 and reading as follows:

"G. S. 106-95.1. A 'custom-mixed feed' is a feed composed of grains or other feed materials grown or stored on the farm of a person, firm, or corporation engaged in farming and ground and mixed with a concentrate or base, for the sole purpose of being fed to the livestock, domestic animals or poultry of the said person, firm or corporation: Provided, this Section shall not be construed as prohibiting a farmer from using grain grown or stored on neighboring farms when moved directly by him or his employee to a mill, to his own farm, or to a neighboring storage facility.

Sec. 2. That G. S. 106-96 be and the same is hereby amended by striking from lines 4 and 5 thereof the following words: "bearing a distinguishing name or trade-mark".

Sec. 3. That G. S. 106-96 be and the same is hereby further amended by changing in the second paragraph, third line, the period after the word "year" to a colon and adding the following: "Provided, that nothing in this

Section shall be construed as applying to grain or other feed materials supplied by a farmer and used in custom-mixed feed as defined in G. S. 106-95.1."

Sec. 4. That Section 106-99, as the same appears in the 1957 Cumulative Supplement to Volume 3A of the General Statutes, be and the same is hereby amended by deleting from the title of said Section the words "tax tags" and is further amended by changing the comma appearing in line 6 thereof after the word "State" to a period and striking out the remainder of the first sentence thereof reading as follows: "and shall affix to or accompany each car shipped in bulk, and to each bag, barrel, or other package of such concentrated commercial feeding stuff, a tag or stamp to be furnished by the Commissioner of Agriculture stating that all charges specified in this Section have been paid."

Sec. 5. That subsection (2) of Section 106-99, as the same appears in the 1957 Cumulative Supplement to Volume 3A of the General Statutes, be and the same is hereby rewritten to read as follows:

"(2) Only that portion of a custom-mixed feed supplied by a farmer and used in custom-mixed feeds as defined in G. S. 106-95.1 shall be exempt from the feed inspection tax as provided for in this Article."

Sec. 6. That Section 106-99 (3), as the same appears in the 1957 Cumulative Supplement to Volume 3A of the General Statutes, be and the same is hereby amended by changing the comma appearing in line 8 thereof after the word "Section" to a period and striking out the remainder of the sentence reading as follows: "together with sufficient tax tags or stamps to cover same."

Sec. 7. That Section 106-99 (4), as the same appears in the 1957 Cumulative Supplement to Volume 3A of the General Statutes, be and the same is hereby amended by striking out in line 2 thereof, the words "each other by" and by inserting the word "registered" between the words "mix" and "concentrate" in line 3 thereof.

Sec. 8. That subsection (5) of Section 106-99, as the same appears in the 1957 Cumulative Supplement to Volume 3A of the General Statutes, be and the same is hereby rewritten to read as follows:

"(5) The Commissioner of Agriculture, upon demand, shall redeem inspection tags or stamps returned to him on or before April 1, 1960; but such tags or stamps submitted for redemption shall be accompanied by an affidavit that they have not been used."

Sec. 9. That Section 106-99.1, as the same appears in the 1957 Cumulative Supplement to Volume 3A of the General Statutes, be and the same is hereby rewritten to read as follows:

"G. S. 106-99.1. Reporting System. Each manufacturer, importer, jobber, firm, corporation, or person who distributes concentrated commercial feeding stuffs in this State shall make application to the Commissioner of Agriculture for a permit to report the tonnage of feeding stuffs sold and shall pay to the North Carolina Department of Agriculture an inspection tax of twenty-five cents (25c) per ton. The Commissioner of Agriculture is authorized to require each such distributor to keep such records as may be necessary to indicate accurately the tonnage of feeding stuffs sold in

the State, and as are satisfactory to the Commissioner of Agriculture. Such records shall be available to the Commissioner, or his duly authorized representative, at any and all reasonable hours for the purpose of making such examination as is necessary to verify the tonnage statement and the tax paid. Each and every distributor shall report the tonnage sold monthly under oath and on forms furnished by the Commissioner. Such reports shall be made and the inspection fee shall be due and payable monthly on the tenth day of each month covering the tonnage and kind of commercial feeding stuffs sold during the preceding month. If the report is not filed and the inspection fee paid by the tenth day following the date due or if the report of tonnage be false, the Commissioner may revoke the permit, and if the inspection fee be unpaid after the fifteen-day grace period, the amount shall bear a penalty of ten per cent (10%) which shall be added to the inspection fee due and shall constitute a debt and become the basis of judgment against the securities or bond which may be required. In order to guarantee faithful performance with the provisions of this paragraph each manufacturer, importer, jobber, firm, corporation or person shall, before being granted a permit to use the reporting system, deposit with the Commissioner cash in the amount of five hundred dollars ($500.00) or securities acceptable to the Commissioner of a value of at least five hundred dollars ($500.00) or shall post with the Commissioner a surety bond in like amount, executed by some corporate surety company authorized to do business in North Carolina. The Commissioner shall approve all such securities and bonds before acceptance."

Sec. 10. That G. S. 106-104 be and the same is hereby rewritten to read as follows:

"G. S. 106-104. Sales without Permit. Any manufacturer, importer, jobber, agent, or dealer who shall sell, offer or expose for sale or distribute in this State any concentrated commercial feeding stuff without having applied for and been issued a permit as required by G. S. 106-99.1 shall be guilty of a violation of the provisions of this Article."

Sec. 11. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect from and after January 1, 1960.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 604 CHAPTER 1058

AN ACT TO AMEND CHAPTER 50 OF THE GENERAL STATUTES OF NORTH CAROLINA TO ESTABLISH LIMITED RESIDENCE FOR MILITARY PERSONNEL.

The General Assembly of North Carolina do enact:

Section 1. Chapter 50 of the General Statutes is amended by adding at the end thereof a new Section to be designated as G. S. 50-18 and to read as follows:

"G. S. 50-18. Residence of Military Personnel. In any action instituted and prosecuted under this Chapter, allegation and proof that the plaintiff or the defendant has resided or been stationed at a United States Army, Navy, Marine Corps, Coast Guard or Air Force installation or reservation or any other location pursuant to military duty within this State for a period of six months next preceding the institution of the action shall constitute compliance with the residence requirements set forth in this Chapter; provided that personal service is had upon the defendant or service is accepted by the defendant, within or without the State as by law provided."

Sec. 1½. Upon request of the defendant or attorney for the defendant, the court may order the plaintiff to pay necessary travel expenses from defendant's home to the site of the court in order that the defendant may appear in person to defend said action.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 670 CHAPTER 1059

AN ACT TO AMEND G. S. 105-405, RELATING TO THE RELEASE OR REMISSION OF TAXES BY LOCAL TAXING AUTHORITIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-405, Replacement Volume 2C, is amended by adding at the end thereof the following:

"In Dare County the Board of County Commissioners is authorized to release or remit taxes under the conditions set out above, and in addition thereto, may release taxes where property has been totally or partially destroyed or damaged by fire."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 682 CHAPTER 1060

AN ACT TO REWRITE ARTICLE 38 OF CHAPTER 105 OF THE GENERAL STATUTES TO PROVIDE THAT ALL PAYMENTS RECEIVED FROM THE TENNESSEE VALLEY AUTHORITY IN LIEU OF TAXES SHALL BE DISTRIBUTED TO LOCAL GOVERNMENTS.

The General Assembly of North Carolina do enact:

Section 1. Article 38 of Chapter 105 of the General Statutes, as the same appears in Replacement Volume 2C of the General Statutes, is hereby rewritten to read as follows:

"Article 38.

"Equitable Distribution between Local Governments.

"§ 105-458. Apportionment of Payments in Lieu of Taxes between Local Units. The payments received by the State and local governments from the Tennessee Valley Authority in lieu of taxes under Section 13 of the Act of Congress creating it, and as amended, shall be apportioned between the local governments in which the property is owned or an operation is carried on, on the basis of the percentage of loss of taxes to each, determined as hereinafter provided: Provided, however, that the minimum annual payment to any local government from said fund, including the amounts paid direct to said local government by the Authority, shall not be less than the amount of annual actual tax loss to such local government based upon the two-year average on said property next prior to its being taken over by the Authority.

"§ 105-459. Determination of Amount of Taxes Lost by Virtue of T. V. A. Operation of Property; Proration of Funds. The State Board of Assessment shall determine each year, on the basis of current tax laws, the total taxes that would be due to both the State of North Carolina and the local governments in the same manner as if the property owned and/or operated by the Authority were owned and/or operated by a privately-owned public utility: Provided, however, in making said calculations the State Board of Assessment shall use the tax rate fixed by the local government unit and taxing district involved for the tax year next preceding such calculations. The State Board of Assessment and the Treasurer of the State of North Carolina shall then prorate the funds received from the Authority by the State and local governments between the local governments upon the basis of the foregoing calculations.

"§ 105-460. Distribution of Funds by State Treasurer. The Treasurer of the State of North Carolina shall then ascertain the payments to be made to the local governments upon the basis of the provisions of § 105-459 and he is authorized and directed to distribute the same between the local governments in accordance with the foregoing provisions of § 105-459. The Treasurer of the State of North Carolina is further authorized and directed to pay said sums to the local governments each month or so often as he shall receive payments from the Authority, but not more often than once each month, after first deducting from any sum to be paid a local government such amount as has theretofore been paid direct to said local government by the Authority for the same period: Provided, however, that the minimum annual payment to any local government from said fund shall not be less than the average annual tax on the property taken by the Authority for the two years next preceding the taking.

"§ 105-461. Duty of County Accountant, etc. The county accountant or other proper officer of each local government to which this subchapter is applicable shall:

(1) Certify to the State Board of Assessment and the Treasurer of the State of North Carolina the tax rate fixed by the governing body of such local government immediately upon the fixing of the same;

(2) Certify each month to the Treasurer of the State of North Carolina a statement of the amount received by the local government direct from the Authority.

"No local government shall be entitled to receive its distributive share of said fund from the Treasurer of the State of North Carolina until the foregoing information has been properly furnished. If any such local government shall fail to furnish the information herein required within ten days from and after receipt by it from the State Board of Assessment of request for the same, forwarded by registered mail, then and in that event it shall be barred from participating in the benefits provided for the period for which the same is requested.

"§ 105-462. Local Units Entitled to Benefits; Prerequisite for Payments. Any local governments within the State in which the Authority now or may hereafter own property or carry on an operation shall be entitled to the benefits arising under this subchapter: Provided, however, that no payment shall be made to them by the Treasurer of the State of North Carolina until such time as such local governments shall have certified to the State Board of Assessment and the Treasurer of the State of North Carolina the average annual tax loss it has sustained by the taking of said property for the two years immediately preceding the taking thereof: Provided, further, that in the event of any disagreement between said local governments and the Treasurer of the State of North Carolina as to such annual tax loss, then the same shall be determined by the State Board of Assessment, and its decision thereon shall be final."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 714 CHAPTER 1061

AN ACT TO AUTHORIZE THE SHERIFF OF MITCHELL COUNTY TO APPOINT ADDITIONAL DEPUTIES SHERIFF.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Mitchell County is authorized to appoint two deputies sheriff for Mitchell County. The deputies so appointed shall receive as compensation for their services the sum of one hundred fifty dollars ($150.00) per month, payable by the Board of County Commissioners out of the General Fund of Mitchell County.

Sec. 2. In addition to all other compensation allowed him by law, the Sheriff of Mitchell County shall be paid out of the general fund of said county the sum of three hundred dollars ($300.00) for each term of Superior Court held in said county. This sum shall be due and payable upon the adjournment of each such term of court.

Sec. 2½. That the Board of County Commissioners of Mitchell County be and it is hereby required to place, at county expense, in the automobiles used by the Sheriff of Mitchell County and his salaried deputies in the

performance of their official duties two-way radio sets connected with the radios of the Spruce Pine Police and Fire Departments. Said board of county commissioners is further required to place, at county expense, in the Mitchell County jail a sending and a receiving radio set for use in connection with such radio system. If the purpose can be accomplished more economically in cooperation with the Civil Defense Administration, said board of commissioners is authorized to install such equipment in cooperation with the Civil Defense Administration. When such radio system is installed, the sheriff shall be paid an additional one hundred dollars ($100.00) per month for the operation of his automobile upon official business.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 733 CHAPTER 1062

AN ACT TO AMEND CHAPTER 422 OF THE SESSION LAWS OF 1957 RELATING TO THE COLUMBUS COUNTY LAW ENFORCEMENT OFFICERS' RELIEF FUND.

The General Assembly of North Carolina do enact:

Section 1. Chapter 422 of the Session Laws of 1957 is hereby amended by adding a new Section immediately following Section 10, to be designated as Section 10½ and to read as follows:

"Sec. 10½. The provisions of this Act shall be applicable in all respects to the Solicitor of the Columbus County Recorder's Court in the same manner and to the same extent as if he was a law enforcement officer as described in Section 2 of this Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 746 CHAPTER 1063

AN ACT TO AMEND CHAPTER 705 OF THE SESSION LAWS OF 1957, RELATING TO THE JOHNSTON COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 705 of the Session Laws of 1957 is amended by adding a new Section immediately following Section 4, to be designated as Section 4.1, and to read as follows:

"The name of the Johnston County Recorder's Court is hereby changed and shall hereafter be referred to as the 'Johnston County Recorder's and Domestic Relations Court'."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 773 CHAPTER 1064

AN ACT TO REGULATE THE OPERATION OF WATERCRAFT ON THE WATERS OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. It is the policy of this State to promote safety for persons and property in and connected with the use, operation, and equipment of vessels, and to promote uniformity of laws relating thereto.

Sec. 2. As used in this Act, unless the context clearly requires a different meaning:

(1) "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(2) "Motorboat" means any vessel propelled by machinery of more than ten horsepower, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any Federal agency successor thereto.

(3) "Owner" means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(4) "Waters of this State" means any public waters within the territorial limits of this State, and the marginal sea adjacent to this State and the high seas when navigated as a part of a journey or ride to or from the shore of this State.

(5) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(6) "Operate" means to navigate or otherwise use a motorboat or a vessel.

Sec. 3. (a) It shall be the duty and responsibility of the North Carolina Wildlife Resources Commission to enforce and administer the provisions of this Act.

(b) The Chairman of the Wildlife Resources Commission shall designate from among the members of the Wildlife Resources Commission three members who shall serve as the Motorboat Committee of the Wildlife Resources Commission, and who shall, in their activities with the Commission, place special emphasis on the administration and enforcement of this Act.

(c) All expenses required for administration and enforcement of this Act shall be paid from the funds collected pursuant to the numbering provisions of this Act, provided however, that the Wildlife Resources Commission is hereby authorized, subject to the approval of the Advisory Budget Commission and the Governor and Council of State, to borrow funds from the Contingency and Emergency Fund in an amount not to exceed one hundred thousand dollars ($100,000.00), to be used for initiating the provisions of this Act and to be repaid within two years from the funds collected pursuant to the numbering provisions of this Act. All monies collected pursuant to the numbering provisions of this Act shall be deposited in the State Treasury and credited to a special fund known as the Wildlife Resources Fund and accounted for as a separate part thereof. The said monies shall be made available to the Wildlife Resource Commission, subject to the provisions of the Executive Budget Act and the provisions of the Personnel Act of the General Statutes of North Carolina, for the administration and enforcement of this Act as herein provided and for educational activities relating to boating safety and for no other purpose. All monies collected pursuant to the numbering provisions of this Act and monies otherwise provided for in this Act shall be made available to carry out the intent and purposes as set forth herein in accordance with plans approved by the Wildlife Resources Commission and all such funds are hereby appropriated, reserved, set aside and made available until expended for the enforcement and administration of this Act; provided that the Wildlife Resources Commission is hereby authorized to adopt a plan or formula for the use of said monies for employing and equipping such additional personnel as may be necessary for carrying out the provisions of this Act and for paying a proportionate share of the salaries, expense, and operational costs of existing personnel according to the time and effort expended by them in carrying out the provisions of this Act. Such plan or formula may be altered or amended from time to time by the Wildlife Resources Commission as existing conditions may warrant. No funds derived from the sale of hunting licenses or fishing licenses shall be expended or diverted for carrying out the provisions of this Act.

Sec. 4. Every motorboat on the waters of this State shall be numbered. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered in accordance with this Act, or in accordance with applicable Federal law, or in accordance with a Federally-approved numbering system of another state, and unless (1) the certificate of number awarded to such motorboat is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat.

Sec. 5. (a) The owner of each motorboat requiring numbering by this State shall file an application for number with the Wildlife Resources Commission on forms approved by it. The application shall be signed by the owner, or his agent, of the motorboat and shall be accompanied by a fee of three dollars ($3.00). Upon receipt of the application in approved form the Commission shall have the same entered upon the records of its office and issue to the applicant a certificate of number stating the number

awarded to the motorboat and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by rules and regulations of the Commission in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the motorboat for which issued, whenever such motorboat is in operation.

(b) The owner of any motorboat already covered by a number in full force and effect which has been awarded to it pursuant to then operative Federal law or a Federally-approved numbering system of another state shall record the number prior to operating the motorboat on the waters of this State in excess of the 90-day reciprocity period provided for in Section 7 (1) of this Act. Such recordation shall be in the manner and pursuant to the procedure required for the award of a number under subsection (a) of this Section, except that no additional or substitute number shall be issued.

(c) Should the ownership of a motorboat change, a new application form with fee of one dollar ($1.00) shall be filed with the Wildlife Resources Commission and a new certificate bearing the same number shall be awarded in the manner as provided for in an original award of number. In case a certificate should become lost, a new certificate bearing the same number shall be issued upon payment of a fee of fifty cents (50¢). Possession of the certificate shall in cases involving prosecution for violation of any provision of this Act be prima facie evidence that the person whose name appears thereon is the owner of the boat referred to therein.

(d) In the event that an agency of the United States Government shall have in force an over-all system of identification numbering for motorboats within the United States, the numbering system employed pursuant to this Act by the Wildlife Resources Commission shall be in conformity therewith.

(e) The Wildlife Resources Commission may award any certificate of number directly or may authorize any person to act as agent for the awarding thereof. In the event that a person accepts such authorization, he may be assigned a block of numbers and certificates therefor which upon award, in conformity with this Act and with any rules and regulations of the Commission, shall be valid as if awarded directly by the Commission.

(f) All records of the Wildlife Resources Commission made or kept pursuant to this Section shall be public records.

(g) Every certificate of number awarded pursuant to this Act shall continue in full force and effect for a period of one year unless sooner terminated or discontinued in accordance with the provisions of this Act. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same.

(h) Each certificate of number awarded pursuant to this Act must be renewed each year on or before January 1; otherwise, such certificate shall

lapse and be void. Application for renewal shall be submitted on forms approved by the Wildlife Resources Commission and shall be accompanied by a fee of three dollars ($3.00).

(i) The owner shall furnish the Wildlife Resources Commission notice of the transfer of all or any part of his interest other than the creation of a security interest in a motorboat numbered in this State pursuant to subsections (a) and (b) of this Section or of the destruction or abandonment of such motorboat, within fifteen days thereof. Such transfer, destruction, or abandonment shall terminate the certificate of number for such motorboat except that, in the case of a transfer of a part interest which does not affect the owner's right to operate such motorboat, such transfer shall not terminate the certificate of number.

(j) Any holder of a certificate of number shall notify the Wildlife Resources Commission within fifteen days if his address no longer conforms to the address appearing on the certificate, and shall, as a part of such notification, furnish the Commission his new address. The Commission may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

(k) No number other than the number awarded to a motorboat or granted reciprocity pursuant to this Act shall be painted, attached, or otherwise displayed on either side of the bow of such motorboat.

Sec. 6. (a) Motorboats subject to the provisions of this Act shall be divided into four classes as follows:

(1) Class A. Less than sixteen feet in length.

(2) Class 1. Sixteen feet or over and less than twenty-six feet in length.

(3) Class 2. Twenty-six feet or over and less than forty feet in length.

(4) Class 3. Forty feet or over.

(b) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such times no other lights which may be mistaken for those prescribed shall be exhibited:

(1) Class A shall carry a white light to show all around the horizon. Class 1 shall carry a combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw light from right ahead to two points abaft the beam on their respective sides.

(2) Every motorboat of Classes 2 and 3 shall carry the following lights:

a. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass so fixed as to throw the light ten points on each side of the vessel; namely, from right ahead to two points abaft the beam on either side.

b. A bright white light aft to show all around the horizon and higher than the white light forward.

c. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam of the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(3) Motorboats of Classes A and 1 when propelled by sail alone shall carry the combined lantern, but not the white light aft prescribed by this Section. Motorboats of Classes 2 and 3 when so propelled, shall carry the colored side lights, suitably screened, but not the white lights prescribed by this Section. Motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

(4) Every white light prescribed by this Section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this Section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(5) When propelled by sail and machinery any motorboat shall carry the lights required by this Section for a motorboat propelled by machinery only.

(c) Any vessel may carry and exhibit the lights required by the Federal Regulations for Preventing Collisions at Sea, 1948, Federal Act of October 11, 1951, (33 USC 143-147d) as amended, in lieu of the lights required by subsection (b) of this Section.

(d) Every motorboat of Classes 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

(e) Every motorboat of Classes 2 or 3 shall be provided with an efficient bell.

(f) Every motorboat shall carry at least one life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the Wildlife Resources Commission for each person on board, so placed as to be readily accessible: Provided, that every motorboat carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the Commission for each person on board.

(g) Every motorboat shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the Wildlife Resources Commission, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(h) The provisions of subsections (d), (e), and (g) of this Section shall not apply to motorboats while competing in any race conducted pursuant

to Section 14 of this Act, or if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(i) Every motorboat shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the Wildlife Resources Commission.

(j) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regulations of the Wildlife Resources Commission properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases.

(k) The Wildlife Resources Commission is hereby authorized to make rules and regulations modifying the equipment requirements contained in this Section to the extent necessary to keep these requirements in conformity with the provisions of the Federal Navigation Laws or with the navigation rules promulgated by the United States Coast Guard.

(l) No person shall operate or give permission for the operation of a vessel which is not equipped as required by this Section or modification thereof.

(m) In the event that any of the regulations of subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of Section 6 are in conflict with the equipment regulations of the Federal Motorboat Act of 1958 as amended, the Wildlife Resources Commission is hereby granted the authority to adopt such regulations as are necessary to conform with the Federal Motorboat Act of 1958 as amended.

Sec. 7. A motorboat shall not be required to be numbered under this Act if it is:

(1) A motorboat which is required to be awarded a number pursuant to Federal law or a Federally-approved numbering system of another state, and for which a number has been so awarded: Provided, that any such boat shall not have been within this State for a period in excess of 90 consecutive days.

(2) A motorboat from a country other than the United States temporarily using the waters of this State.

(3) A motorboat whose owner is the United States, a state or a subdivision thereof.

(4) A ship's lifeboat.

Sec. 8. It shall be unlawful for the owner of a boat livery to rent a boat equipped with more than ten horsepower to any person unless the provisions of this Act have been complied with. It shall be the duty of owners of boat liveries to equip all motorboats rented as required by this Act.

Sec. 9. The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used to muffle the noise of the exhaust in a reasonable manner. The use

of cutouts is prohibited, except for motorboats competing in a regatta or boat race approved as provided in Section 14 of this Act, and for such motorboats while on trial runs, during a period not to exceed 48 hours immediately preceding such regatta or race and for such motorboats while competing in official trials for speed records during a period not to exceed 48 hours immediately following such regatta or race.

Sec. 10. (a) No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

(b) No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard, similar device while intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana.

Sec. 11. (a) It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to render persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also to give his name, address and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

(b) In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of one hundred dollars ($100.00), shall, within ten days, file with the Wildlife Resources Commission a full description of the collision, accident, or other casualty, including such information as said agency may, by regulation, require. Such report shall not be admissible as evidence.

Sec. 12. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the Wildlife Resources Commission pursuant to Section 11 (b) shall be transmitted to said official or agency of the United States.

Sec. 13. (a) No person shall operate a vessel on any waters of this State for towing a person or persons on water skis, or a surfboard, or similar device unless there is in such vessel a person, in addition to the operator, in a position to observe the progress of the person or persons being towed or unless the skiers wear a life preserver or unless the boat is equipped with a rear view mirror.

(b) No person shall operate a vessel on any water of this State towing a person or persons on water skis, a surfboard, or similar device, nor shall any person engage in water skiing, surfboarding, or similar activity at any time between the hours from one hour after sunset to one hour before sunrise.

(c) The provisions of subsections (a) and (b) of this Section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under Section 14 of this Act.

(d) No person shall operate or manipulate any vessel, tow rope, or other device by which the direction or location or water skis, a surfboard, or similar device may be affected or controlled in such a way as to cause the water skis, surfboard, or similar device, or any person thereon to collide with any object or person.

Sec. 14. (a) The Wildlife Resources Commission may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments, or exhibitions on any waters of this State. It shall adopt and may, from time to time, amend regulations concerning the safety of motorboats and other vessels and persons thereon, either observers or participants. Whenever a regatta, motorboat, or other boat race, marine parade, tournament, or exhibition is proposed to be held, the person in charge thereof, shall, at least fifteen days prior thereto, file an application with the Wildlife Resources Commission for permission to hold such regatta, motorboat, or other boat race, marine parade, tournament, or exhibition. The application shall set forth the date, time and location where it is proposed to hold such regatta, motorboat, or other boat race, marine parade, tournament, or exhibition, and it shall not be conducted without authorization of the Wildlife Resources Commission in writing.

(b) The provisions of this Section shall not exempt any person from compliance with applicable Federal law or regulation, but nothing contained herein shall be construed to require the securing of a State permit pursuant to this Section if a permit therefor has been obtained from an authorized agency of the United States.

Sec. 15. (a) Any subdivision of this State may at any time, but only after public notice, make formal application to the Wildlife Resources Commission for special rules and regulations with reference to the safe and reasonable operation of vessels on any water within its territorial limits and shall set forth therein the reasons which make such special rules or regulations necessary or appropriate.

(b) The Wildlife Resources Commission is hereby authorized to make special rules and regulations with reference to the safe and reasonable operation of vessels on any waters within the territorial limits of any subdivision of this State; provided however, that such rules and regulations governing the operation of vessels on State-owned lakes shall be made exclusively by the Department of Conservation and Development.

Sec. 16. A copy of the regulations adopted pursuant to this Act, and of any amendments thereto, shall be filed in the office of the Wildlife Resources Commission and in the office of the Secretary of State of North Carolina and in the office of the Clerks of the Superior Courts of the counties in which such boats are operated. Rules and regulations shall be published by the Wildlife Resources Commission in a convenient form, and a copy of such rules and regulations shall be furnished each owner who secures a certificate of number pursuant to this Act.

Sec. 17. (a) Every wildlife protector and every other law enforcement officer of this State and its subdivisions shall have the authority to enforce the provisions of this Act and in the exercise thereof shall have

authority to stop any vessel subject to this Act; and, after having identified himself in his official capacity, shall have authority to board and inspect any vessel subject to this Act.

(b) In order to secure broader enforcement of the provisions of this Act, the Wildlife Resources Commission is authorized to enter into an agreement with the Department of Conservation and Development whereby the enforcement personnel of the Commercial Fisheries Division shall assume responsibility for enforcing the provisions of this Act in the territory and area normally policed by such enforcement personnel and whereby the Wildlife Resources Commission shall contribute a share of the expense of such personnel according to a ratio of time and effort expended by them in enforcing the provisions of this Act, when such ratio has been agreed upon by both of the contracting agencies. Such agreement may be modified from time to time as conditions may warrant.

Sec. 18. (a) Any person who violates any provisions of Sections 4, 5, 6, 8, 9, 11, 13, and 14 of this Act shall be guilty of a misdemeanor and shall be subject to a fine of not to exceed fifty dollars ($50.00) for each such violation.

(b) Any person who violates any provision of Section 10 of this Act shall be guilty of a misdemeanor and shall be subject to a fine of not to exceed five hundred dollars ($500.00) or imprisonment for not to exceed six months, or both, for each violation.

Sec. 18½. Provided however that notwithstanding any other provisions of this Act, the Wildlife Resources Commission may promulgate such rules and regulations regarding the operation of watercraft by manufacturers, distributors, dealers, and demonstrators as the Commission may deem necessary and proper.

Sec. 19. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 20. This Act shall be in full force and effect from and after January 1, 1960.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 788 CHAPTER 1065

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF THE WADESBORO CITY ADMINISTRATIVE UNIT AS A SPECIAL BOND TAX UNIT AND THE LEVY OF TAXES WITHIN SUCH UNIT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt of a petition, signed by not less than ten per cent (10%) of the qualified voters of the territory embraced within the Wadesboro City Administrative Unit and described in such petition, praying that bonds or notes be issued under the provisions of this Act, the Board of County Commissioners of Anson County shall order a special

election to be held in such school district for the purpose of voting upon the question of issuing bonds or notes and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings, including gymnasiums, agricultural buildings, shops, school cafeterias and other necessary buildings, and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the board of county commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records, which shall be conclusive of all the facts therein found and determined. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, unless the district or unit is coterminous with a city, town or township (in which event the notice shall so state), the maximum amount of bonds or notes to be issued, the purpose or purposes for which the bonds or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds or notes. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty (30) days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturday. The books of such new registration shall close on the second Saturday before election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballots, shall be in substantially the words: "For the issuance of $..... School Bonds or Notes and the levying of a sufficient tax for the payment thereof," and "Against the issuance of $..... School Bonds or Notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and negative forms, in one of which squares the voter may make a cross (X) mark. The petition herein provided for shall be filed with the Board of Commissioners of Anson County and referred to the Board of Elections of Anson County to determine the sufficiency thereof, and upon a finding by said board that the petition meets the requirements of this Section, the chairman of said board shall file a certificate to that effect with the Chairman of said Board of Commissioners of Anson County.

Sec. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Anson County, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Anson County as aforesaid and the other filed with the Clerk of the Superior Court of Anson County. The Board of County Commissioners of Anson County shall prepare a statement showing the number of votes cast for and against the bonds or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Sec. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of results as provided in the preceding Section.

Sec. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds or notes and the levy of such tax, then the Board of Commissioners of Anson County shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds or notes, which bonds or notes shall be issued in the name of the county, but shall be made payable exclusively out of the taxes to be levied in such district or such unit. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners of Anson County may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty (30) years after such date. No such installment shall be more than two and one-half (2½) times as great in amount as the smallest prior installment, of the same bond issue. The bonds or notes shall bear interest at a rate not exceeding six per cent (6%) per annum, payable semiannually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the Chairman of the Board of County Commissioners of Anson County, and

the seal of the county shall be affixed to or impressed upon each bond or note and attested by the register of deeds or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds or notes, signed as aforesaid by officers in the office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 5. The Board of County Commissioners of Anson County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds or notes.

Sec. 6. In the event the boundary lines of the territory embracing the Wadesboro City Administrative Unit are hereafter changed or altered, this Act shall apply to and within the territory embracing said unit at the time of the filing of the petition and the holding of the election as provided for in this Act. No change or alteration of the boundary lines of said unit shall in any way affect the validity of this Act.

Sec. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds or notes, or any provisions of law for the payment of bonds or notes issued under such powers, or for the custody of moneys provided for such payment.

Sec. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds or notes and endorsements of such approval upon such bonds or notes and as to the sale of bonds or notes and the disposition of the proceeds, shall be applicable to the bonds or notes authorized by this Act. The proceeds shall be paid out only upon order of the Wadesboro City Board of Education.

Sec. 9. This Act shall apply only to Wadesboro City Administrative Unit and Anson County.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 796

CHAPTER 1066

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES, PROVIDING FOR THE CLASSIFICATION, LICENSING AND REGISTRATION OF AUTOMOBILE UTILITY TRAILERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 20 of the General Statutes is amended by adding a new Part to Article 3 of said Chapter, immediately following Part 6, to be designated as Part 6.1, and to read as follows:

"Part 6.1. Automobile Utility Trailers.

"G. S. 20-84.2. The term 'automobile utility trailer' when used herein shall mean and include any trailers suitable for towing by a private passenger automobile, the use of which is confined to the private hauling by private passenger automobile of personal property for intrastate or interstate use. The term 'automobile utility trailer' shall not include trailers or semitrailers rented or leased to any person for use by such lessee in the furtherance of or incident to any commercial or industrial enterprise or for use in connection with any business or occupation carried on in intrastate or interstate commerce by the lessee.

"Passenger automobile utility trailers owned or operated by any nonresident person or firm engaged in the business of leasing such trailers for use in intrastate or interstate commerce shall be extended full reciprocity and exempted from registration fees only in instances where:

"(a) Such person or firm has validly licensed all automobile utility trailers owned by him in the state wherein the owner actually resides; provided, that such state affords equal recognition, either in fact or in law, to such trailers licensed in the State of North Carolina and operating similarly within the owner's state of residence; and further provided, that such person or firm is not engaged in this State in the business of renting automobile utility trailers; except, that this subparagraph (a) shall not apply to any intrastate rental of an auto utility trailer where the destination rental station is more distant from the licensing state than the originating rental station; or where

"(b) Such person or firm has validly licensed in the State of North Carolina the average number of automobile utility trailers operated in and through the State during the preceding licensing year. In such instance, said person shall register with the Department of Motor Vehicles the fact that he is engaged in such business and shall file data in such form and verified in such manner as shall be required by the Department, estimating the average number of automobile utility trailers he operates in and through the State during the year. The Department may, in its discretion, then determine the average number of trailers used by the owner during the licensing year in and through the State and such determination shall be final. Upon payment by the owner of the prescribed fee, the Department shall issue registration certificates and license plates for the average number of automobile utility trailers used by the owner. Thereafter, all trailers properly identified and licensed in any state, territory, province, country or the District of Columbia, and belonging to such

owner, shall be permitted to operate in this State on an interstate or intrastate basis; provided, that such trailers are towed by private passenger cars fully registered and licensed in this State or in another state and legally operated in this State under the reciprocity laws of this State. Except, this subparagraph (b) shall not apply to any intrastate rental of an auto utility trailer where the destination rental station is more distant from the licensing state than the originating rental station."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 860 CHAPTER 1067

AN ACT AUTHORIZING THE DEPUTY SHERIFF OR OFFICER ON DUTY AS DESK SERGEANT IN CONCORD TO ISSUE WARRANTS RETURNABLE BEFORE JUSTICES OF THE PEACE OR ANY INFERIOR COURT IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That any Deputy Sheriff of Cabarrus County while acting as desk sergeant in the sheriff's office in Concord shall have full authority to take the affidavits of complainants and to issue warrants for the arrest of all persons charged with the commission of criminal offenses. Such warrants shall be made returnable before some justice of the peace of the county or before any inferior court in Cabarrus County. Such warrants shall be served by some peace officer or deputy sheriff other than the officer issuing the same.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 929 CHAPTER 1068

AN ACT TO AMEND ARTICLE 53 OF CHAPTER 14 OF THE GENERAL STATUTES SO AS TO INCLUDE THEREIN THE SALE OF BLANK CARTRIDGE PISTOLS.

The General Assembly of North Carolina do enact:

Section 1. Article 53 of Chapter 14 of the General Statutes is amended by adding a new Section immediately following G. S. 14-407, to be designated as G. S. 14-407.1, and to read as follows:

"G. S. 14-407.1. The provisions of G. S. 14-402 shall apply to the sale of pistols suitable for firing blank cartridges. The Clerks of the Superior Courts of all the counties of this State are authorized and may

in their discretion issue to any person, firm or corporation, in any such county, a license or permit to purchase or receive any pistol suitable for firing blank cartridges from any person, firm or corporation offering to sell or dispose of the same, which said permit shall be in substantially the following form:

'North Carolina
..... County

I, ..., Clerk of the Superior Court of said county, do hereby certify that ....., whose place of residence is ..... Street in .... (or) in ..... Township in ..... County, North Carolina, having this day satisfied me that the possession of a pistol suitable for firing blank cartridges will be used only for lawful purposes, a permit is therefore given said ..... to purchase said pistol from any person, firm or corporation authorized to dispose of the same, this ..... day of ....., 19.....

.....
Clerk of Superior Court'

The clerk shall charge for his services, upon issuing such permit, a fee of fifty cents (50¢)."

Sec. 2. The provisions of G. S. 14-405, 14-406, and 14-407 shall be applicable to the sale of pistols suitable for firing blank cartridges.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 944 CHAPTER 1069

AN ACT TO AMEND G. S. 53-43 AND G. S. 53-44 SO AS TO PROVIDE THAT OBLIGATIONS OF THE FEDERAL HOME LOAN BANKS SHALL BE AUTHORIZED AS SECURITY FOR ALL DEPOSITS OF PUBLIC FUNDS IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 53-43 is amended by adding thereto a new Section to be known as G. S. 53-43.2, reading as follows:

53-43.2. Obligations of Agencies Supervised by Federal Home Loan Bank Board as Securities For Deposits of Public Funds. Notwithstanding any restrictions or limitations on securities for deposits of public funds contained in any law of this State, federal home loan banks securities issued by federal home loan banks pursuant to the Federal Home Loan Bank Act of 1932 as amended shall be without limitation, authorized securities for all deposits of public funds for the State of North Carolina, of agencies of the State of North Carolina, of counties of North Carolina,

and of municipalities and other political subdivisions of the State of North Carolina. This Section shall be cumulative to all other laws relating to securities for deposits of such funds.

Sec. 2. G. S. 53-44 is amended by adding thereto a new Section to be known as G. S. 53-44.2, reading as follows:

53-44.2. Investments in Obligations of Agencies Supervised by Federal Home Loan Bank Board as Securities for Deposits of Public Funds. Notwithstanding any restrictions or limitations on investments contained in any law of this State, federal home loan banks securities issued by federal home loan banks pursuant to the Federal Home Loan Bank Act of 1932 as amended shall be without limitation, authorized investments of funds of banks, savings banks, trust companies, insurance companies, building and loan associations, savings and loan associations, credit unions, fraternal organizations, pension and retirement funds, and of fiduciary funds of executors, administrators, guardians and trustees, unless such trust and fiduciary funds are required to be otherwise invested by will, deed, order or decree of court, gift, grant or other instrument creating or fixing the trust. This Section shall be cumulative to all other laws relating to investments of such funds.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1002 CHAPTER 1070

AN ACT TO EXTEND THE JURISDICTION OF THE RECORDER'S COURT OF THE TOWN OF BESSEMER CITY.

The General Assembly of North Carolina do enact:

Section 1. The Recorder's Court of the Town of Bessemer City in Gaston County is hereby granted exclusive, original jurisdiction of all misdemeanors committed within Crowders Mountain Township of said county; provided, however, that said court shall have only original, concurrent jurisdiction with justices of the peace as to offenses within the jurisdiction of a justice of the peace committed within said township, but outside the corporate limits of the Town of Bessemer City.

Sec. 2. Said court shall have concurrent jurisdiction with justices of the peace to hear and bind over to the Superior Court all persons charged with any felony committed within Crowders Mountain Township but outside the city limits of the Town of Bessemer City.

Sec. 3. The board of town commissioners shall appoint a vice-recorder to serve as the judge of said court in the absence of the regular recorder who shall have all the power and authority conferred upon the regular recorder during his absence and the vice-recorder shall be paid the same as that of the regular recorder during such time as he shall actually serve, which amount shall be deducted from the salary due the regular recorder.

Sec. 4. The jurisdiction herein conferred shall be in addition to any and all jurisdiction conferred by any other statutes.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1033 CHAPTER 1071

AN ACT TO AMEND G. S. 7-111 RELATING TO THE DISCONTINUANCE OF DOMESTIC RELATIONS COURTS AND PROVIDING FOR TRANSFER OF CASES AND PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-111 is hereby amended by adding at the end thereof the following:

"In Guilford County, whenever there shall have been established a joint county-city domestic relations court under this Article which shall be discontinued as herein provided, and thereafter there shall be established a county domestic relations court under the provisions of this Article, all cases then pending before the discontinued joint county-city domestic relations court shall be transferred to the newly established county domestic relations court and such court shall have full jurisdiction to dispose of all such cases in the same manner as if such cases had originally been initiated in the said county court, and it shall be the duty of the clerk of the county domestic relations court so established to supervise and carry out the transfer of all such cases. Upon the establishment of a county domestic relations court all papers, records, documents, equipment relating to the joint county-city domestic relations court shall become the property of the county domestic relations court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1034 CHAPTER 1072

AN ACT TO AMEND G. S. 18-99 RELATING TO LICENSES FOR THE SALE OF FORTIFIED WINE IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 18-99 of the General Statutes is hereby amended by adding at the end thereof the following paragraph:

"In Guilford County, any person, firm or corporation selling the beverages described in this Section shall pay a license tax of fifty dollars ($50.00) for the same period as licenses issued under G. S. 18-76 and such

tax shall be placed in the county treasury for the use of the county: Provided, that whenever there shall have been issued to such person, firm or corporation a license to sell beverages described in Section 18-64, subsection (b), then no additional license tax for the sale of beverages described in this Section shall be required."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1048 CHAPTER 1073

AN ACT TO AMEND G. S. 2-42, G. S. 14-269 AND ARTICLE 53 OF CHAPTER 14 OF THE GENERAL STATUTES RELATING TO THE POSSESSION AND SALE OF WEAPONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-269(b) is amended by striking out the words "clerk of the superior court" wherever they appear in the Section and substituting therefor the word "sheriff", it being the intent and purpose of this Act to transfer to the sheriffs the duties now performed by the Clerks of the Superior Court in disposing of confiscated weapons.

Sec. 2. Article 53 of Chapter 14 of the General Statutes is hereby amended by striking out the word "clerk" and the words "clerk of the superior court" wherever they appear in said Article and substituting therefor the word "sheriff", it being the intent and purpose of this Act to transfer to the sheriffs the duties now performed by the Clerks of the Superior Court in issuing permits for the purchase of weapons and keeping the records of issuance of such permits and all other duties incident to the purchase, sale, and ownership of weapons.

Sec. 3. G. S. 2-42 is hereby amended by striking out paragraph 35 of the Section.

Sec. 4. This Act shall not apply to the following counties: Ashe, Avery, Bertie, Bladen, Cherokee, Currituck, Davie, Duplin, Franklin, Greene, Halifax, Harnett, Haywood, Hertford, Iredell, Jackson, Johnston, Jones, Lee, Lincoln, Macon, Madison, Mecklenburg, Mitchell, Moore, Pamlico, Pender, Perquimans, Person, Polk, Rockingham, Sampson, Stokes, Tyrrell, Union, Vance, Warren, Washington, Watauga, Wilson, and Yancey.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1064 **CHAPTER 1074**

AN ACT TO AMEND ARTICLE 13C OF CHAPTER 131 OF THE GENERAL STATUTES RELATING TO COUNTY HOSPITAL DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. Article 13C of Chapter 131 of the General Statutes is hereby amended by adding a new Section at the end, and as a part, of said Article, to be designated as G. S. 131-126.40b, and to read as follows:

"G. S. 131-126.40b. Alternative Procedures. (1) Notwithstanding any other provisions of this Article, a hospital district may be created by a board of county commissioners, in its own discretion, by appropriate resolution, without following the procedure set forth in G. S. 131-126.31 and G. S. 131-126.32. This authority shall exist only when one hospital district already exists or when a special tax levy for hospital purposes has heretofore been authorized or is now authorized with respect to a portion of the county and the power herein granted to create a hospital district is limited to establishing as a hospital district all the area or territory in the county lying outside of the existing hospital district or outside the portion or area with respect to which a hospital tax levy has heretofore been authorized or is now authorized.

"(2) After a district is established by the adoption of the above-referred-to resolution, the board of county commissioners, in its discretion, may call for an election or elections, as authorized by this Article, without receiving any petition therefor. The first publication of the notice of an election shall be at least twenty days before the election, but is not required to be earlier. It shall not be necessary to order a new registration for the purpose of any such election unless the board of county commissioners, in its discretion, shall determine to do so, and said board of county commissioners may designate judges, registrars and other election officers for general election purposes to hold and conduct said election. The board of county commissioners may use the registration books and other election records available for the hospital district. In the event no new registration is ordered, registration books shall be kept open, and need be kept open only, for a fifteen-day period preceding the election, but said period shall include at least the three Saturdays immediately preceding the election and the registrar of each precinct shall attend at the precinct polling place with his registration books between the hours of nine o'clock A. M. and six o'clock P. M. The last day the registration books are open which shall be the third Saturday described above, shall be challenge day.

"The provisions of this Section shall be supplemental to all other provisions of this Article and when a board of county commissioners exercises power pursuant to this Section, all of the provisions of this Article shall be applicable except as modified in this Section."

Sec. 2. All laws and clauses of laws in conflict with this provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1070 **CHAPTER 1075**

AN ACT AMENDING CHAPTER 552 OF THE 1955 SESSION LAWS OF NORTH CAROLINA TO ALLOW FOR THE COMPLETION OF SEWAGE TREATMENT PLANTS UNDER CONSTRUCTION ON 1 JULY 1959.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 552 of the 1955 Session Laws of North Carolina is hereby amended by changing the period at the end thereof to a comma, and by adding the following proviso at the end thereof:

"provided, that this Section shall not apply to any person, municipality, or establishment which begins actual construction of a sewage treatment facility or facilities or an industrial waste treatment facility or facilities not later than 1 December 1959 and places the facility or facilities in operation not later than 1 July 1961, provided further, that the facility or facilities, as constructed, shall be approved by the State Stream Sanitation Committee and shall be adequate to meet the requirements of the Committee as to water quality standards for the Haw River and its tributaries."

Sec. 2. Section 6 of Chapter 552 of the 1955 Session Laws of North Carolina is hereby amended by changing the period at the end thereof to a comma, and by adding the following proviso at the end thereof:

"provided, that this Section shall not apply to any person, municipality, or establishment which begins actual construction of a sewage treatment facility or facilities or an industrial waste treatment facility or facilities not later than 1 December 1959 and places the facility or facilities in operation not later than 1 July 1961, provided further, that the facility or facilities, as constructed, shall be approved by the State Stream Sanitation Committee and shall be adequate to meet the requirements of the Committee as to water quality standards for the Haw River and its tributaries."

Sec. 3. The word "sewage" is hereby substituted for the word "sewerage" as the latter word appears throughout Chapter 552 of the 1955 Session Laws of North Carolina.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1098 **CHAPTER 1076**

AN ACT RELATING TO THE TERMS OF AGRICULTURAL TENANCIES IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of G. S. 42-23, as the same appears in the 1957 Supplement to Recompiled Volume 2A of the General Statutes of North Carolina, is hereby amended by inserting after the comma following the word "Pender" and before the word "Pitt", in line three of said paragraph, the word "Person".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1102

CHAPTER 1077

AN ACT TO REPEAL CHAPTER 414, SESSION LAWS OF 1951 SO AS TO PROVIDE FOR JURY TRIALS IN THE RECORDER'S COURT OF RANDOLPH COUNTY AS PROVIDED BY G. S. 7-228 AND TO PROVIDE FOR A SUBSEQUENT ELECTION UPON THE QUESTION WHETHER THE VOTERS OF RANDOLPH COUNTY ARE IN FAVOR OF JURY TRIALS IN SAID RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 414 of the Session Laws of 1951 is hereby repealed.

Sec. 2. In all trials in the Recorder's Court of Randolph County upon demand for a jury trial by the defendant or by the prosecuting attorney representing the State the party requesting a jury trial shall be given such jury trial as is now provided by G. S. 7-228.

Sec. 2.5. All jurors summoned to serve under this Act shall receive the same compensation as jurors summoned to serve in the Superior Court of Randolph County, and the sum of twenty dollars ($20.00) shall be taxed as a part of the cost against the party convicted or adjudged to pay costs.

Sec. 3. At the next general election for State and county offices the Board of Elections of Randolph County shall cause to be distributed to the voters a ballot designed to afford the voters of Randolph County the opportunity to vote on the question of whether or not they are in favor of jury trials in the county Recorder's Court of Randolph County. Such ballots shall be distributed at all polling places within the county and shall contain on separate lines the words: "For jury trials in Recorder's Court of Randolph County" and "Against jury trials in the Recorder's Court of Randolph County". Those voters favoring jury trials shall mark in the voting square to the left of the words "For jury trials in the Recorder's Court of Randolph County" printed on the ballot and those opposed to jury trials shall mark in the voting square to the left of the words "Against jury trials in the Recorder's Court of Randolph County".

Sec. 4. In the event a majority of those voting oppose jury trials in the Recorder's Court of Randolph County, then jury trials shall be discontinued as of December 31, 1960, and thereafter when a jury trial is demanded the case shall be transferred to the docket of the Superior Court of Randolph County.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1127 CHAPTER 1078

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 which fixes the terms of Superior Court to be held in Franklin County, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding at the end thereof a new paragraph to read as follows: "In addition to the above terms of court there shall be held in the County of Franklin one additional term of court during the year 1959 to convene on the seventh Monday after the first Monday in September to continue one week for the trial of criminal cases only: Provided, that a Grand Jury will not be convened for the term of court beginning the seventh Monday after the first Monday in September. The Chief Justice shall assign a regular, special or emergency judge to hold the terms of court set forth in this paragraph."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1128 CHAPTER 1079

AN ACT TO AMEND SECTION 130-128 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE POWERS OF SANITARY DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-128 is hereby amended by striking out the period at the end of subdivision (13) of said Section, as the same appears on page 229 of the 1958 Replacement Volume 3B, inserting a colon in lieu thereof, and adding the following words:

"Provided that when a city, town or other municipal corporation or a portion thereof lies within the boundaries of a sanitary district or the area of an incorporated city, town or municipality overlaps a portion of the area of a sanitary district, and such city, town or municipality has and maintains an organized fire department, either paid or volunteer, and fire fighting apparatus, and equipment, such sanitary district may organize and establish a fire department and provide fire fighting equipment, apparatus and accessories in the district but outside the corporate limits of such cities, towns or municipalities, and levy ad valorem taxes in the area in the district but outside of the said municipalities for the establishment, maintenance and operation of such fire departments, and exclude the area of the district lying within the corporate limits of such cities, towns or municipalities from the levy of taxes therefor."

Sec. 1½. The provisions of this Act shall apply only to Dare County and to the municipalities and sanitary districts situate within said county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1133 CHAPTER 1080

AN ACT TO AMEND THE CHARTER OF THE TOWN OF YADKINVILLE SO AS TO EXTEND THE LIMITS OF THE TOWN.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Yadkinville, as set out in Chapter 10 of the Private Laws of 1885, is hereby amended by striking out the words "One thousand yards", in line 2 of Section 2 thereof, and inserting in lieu thereof the following:

"That the corporate limits of said town shall be as follows: Beginning at a point 400 feet North of U. S. Highway #421 in the present East boundary of corporate limits, runs eastward parallel with the said highway to a point North of the East boundary of Wells-Brooks Development; thence South crossing said highway along the East boundary of Wells-Brooks Development to the Haw Branch; thence up Haw Branch to a point in the East boundary of the present corporate limits of the Town of Yadkinville; thence South with the present East boundary and crossing the Prison Camp Road to a point 400 feet South of said road; thence westward parallel to the Prison Camp Road to the Yadkin County Health Center; thence South to H. P. Dobbins' South boundary; thence West to a point 400 feet West of Carolina Avenue extension; thence North on a line parallel to Carolina Avenue to the southern boundary of the corporate limits; thence West on the corporate limits to the present southwest corner of the Town of Yadkinville; thence North with the present boundary of the town a distance of approximately 1000 feet to a point 400 feet South of Dowelltown Road; thence West with a line parallel to Dowelltown Road to a point 400 feet West of the intersection of U. S. #421 and Dowelltown Road; thence still parallel to the Dowelltown Road and School Bus Garage Road to a point 400 feet North of the intersection of the Dowelltown-School Bus Garage Road and Highway #601; thence North 45 degrees East 400 feet to a point; thence South on a line parallel with Highway #601 to the present corporate limits; thence with the present corporate limits to the beginning."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1162 **CHAPTER 1081**

AN ACT TO FIX THE COMPENSATION OF CERTAIN OFFICIALS OF FRANKLIN COUNTY AND TO FIX CERTAIN FEES TO BE CHARGED IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1245 of the Session Laws of 1957 is amended by striking out in line 4 of said Section the words and figures "five thousand one hundred dollars ($5100.00)" and by inserting in lieu thereof the figures "$5400.00".

Sec. 2. Section 2 of Chapter 1245 of the Session Laws of 1957 is amended by striking out in line 3 of said Section the figures "$4500.00" and by inserting in lieu thereof the figures "$4750.00".

Sec. 3. Section 3 of Chapter 1245 of the Session Laws of 1957 is amended by striking out in line 4 of said Section the words and figures "fifty dollars ($50.00) per month" and by inserting in lieu thereof the words and figures "$630.00 per year, payable in monthly installments,".

Sec. 4. Section 4 of Chapter 1245 of the Session Laws of 1957 is amended as follows: By striking out in line 4 thereof the words and figures "forty-five hundred dollars ($4500.00)" and by inserting in lieu thereof the figures "$4750.00"; by striking out in line 7 thereof the words and figures "thirty-three hundred dollars ($3300.00)" and by inserting in lieu thereof the figures "$3465.00"; by striking out in line 10 thereof the words and figures "three thousand dollars ($3000.00)" and by inserting in lieu thereof the figures "$3150.00"; by striking out in line 13 thereof the words and figures "three thousand dollars ($3000.00)" and by inserting in lieu thereof the figures "$3150.00".

Sec. 5. Section 5 of Chapter 1245 of the Session Laws of 1957 is hereby amended as follows: By striking out in line 3 of said Section the figures "$3100.00" and by inserting in lieu thereof the figures "$3260.00"; by striking out in line 7 of said Section the words and figures "twenty-seven hundred dollars ($2700.00)" and by inserting in lieu thereof the figures "$2850.00"; and by adding a new sentence at the end of the said Section to read as follows: "From and after January 1, 1960, the Board of County Commissioners of Franklin County shall have the power and authority to increase the salaries hereinabove provided for the judge of the Franklin County Recorder's Court and the Solicitor of said court by amounts not exceeding five per cent (5%) of the salaries hereinabove specified."

Section 5 of Chapter 1245 of the Session Laws of 1957 is hereby further amended by adding a new paragraph at the end of said Section to read as follows: "The Vice Recorder of the Franklin County Recorder's Court shall be paid the sum of $100.00 as an annual retainer. When the Judge of the Franklin County Recorder's Court shall be prevented from attending to his duties on account of sickness or other temporary disability or by reason of his temporary absence, the Vice Recorder shall have the jurisdiction and authority conferred upon said Judge and shall receive the compensation provided for such Judge for the time that he may perform the duties of said Judge, except that the Board of County Commissioners may

grant to the Judge of the Franklin County Recorder's Court such sick leave or other necessary leave as said Board may deem proper and in such event the Vice Recorder shall receive compensation at a rate to be fixed by the Board of County Commissioners and which may or may not be deducted from the compensation of said Judge as the Board may determine. All payments for compensation to the Judge of the Franklin County Recorder's Court and the Vice Recorder of said Court made prior to the effective date of this Act are hereby validated."

Sec. 6. Section 6 of Chapter 1245 of the Session Laws of 1957 is amended by striking out in line 2 thereof the words and figures "twenty dollars ($20.00)" and by inserting in lieu thereof the figures "$21.00"; by striking out in lines 6 and 7 thereof the words and figures "four hundred dollars ($400.00)" and by inserting in lieu thereof the figures "$480.00"; and by adding a new sentence at the end of said Section to read as follows: "In addition to the compensation and travel allowance hereinabove provided, members of the Board of County Commissioners shall also receive, while attending meetings of the Board, their actual subsistence expenses, provided that such expenses shall not exceed the sum of $2.50 per day for each member; payment for the subsistence expenses herein provided shall be made by the County Accountant upon receipt by him of vouchers for same executed by said commissioners."

Sec. 7. Section 7 of Chapter 1245 of the Session Laws of 1957 is amended as follows: By consolidating subsections (a) and (b) thereof and rewriting the same to read as follows: "(a). The senior assistant or senior deputy Register of Deeds shall be paid an annual salary of $3000.00, and one additional assistant or deputy Register of Deeds shall, with the approval of the Board of County Commissioners, be paid an annual salary of $2500.00."

By re-designating subsection (c) of Section 7 to be subsection (b) and rewriting the same to read as follows: "(b). The senior assistant Clerk of Superior Court (or senior deputy Clerk if there shall be no assistant Clerk) shall be paid an annual salary of $3150.00, and one additional assistant or deputy Clerk of Superior Court appointed in accordance with provisions of law shall, with the approval of the Board of County Commissioners, be paid an annual salary of $2600.00."

By rewriting (e) of Section 7 to read as follows: "The Board of County Commissioners of Franklin County is authorized and empowered in its discretion from time to time as the revenues of the County may require or warrant, to decrease the salaries or compensations specified in subsections (a) and (b) of Section 7, as rewritten in this Act, by an aggregate of not more than ten per cent (10%) of said specified amounts."

Sec. 8. Chapter 1173 of the Session Laws of 1957 is hereby amended by adding a new Section following Section 1, to be numbered Section 1½ and to read as follows:

"Section 1½. In addition to the fees hereinbefore provided, the Clerk of the Superior Court shall charge the following fees:

Probate of will in common form	$ 6.00
Probate of will in solemn form	12.00

Qualifying administrators or executors, and one copy of letters of administration or letters testamentary	4.50
Recording and copying papers, for first copy sheet	2.00
Recording and copying papers, for each sheet after the first copy sheet	1.25
Receiving and filing all accounts (which charge shall be in addition to amounts for auditing and recording said accounts)	1.00
Filing inventories	2.00
Filing year's allowance report	1.50

"The provisions of all other laws fixing or regulating the fees to be charged by the Clerk of the Superior Court of Franklin County not herein amended or changed shall remain in full force and effect."

Sec. 9. Section 1 of Chapter 1173 of the Session Laws of 1957 is hereby amended by adding a new sentence at the end of the last paragraph of said Section 1 to read as follows: "The fees for serving all process, both civil and criminal, directed to or required to be served by the Sheriff of Franklin County, or any deputy, shall inure to the benefit of said County and shall be paid into the General Fund of said County by the responsible officer or official or other person receiving or collecting said fees."

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1165 CHAPTER 1082

AN ACT TO PERMIT CERTAIN EMERGENCY VEHICLES TO USE SIRENS AND OTHER SPECIAL WARNING DEVICES IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. All official vehicles owned by any life-saving and rescue squad or association, whether paid or voluntary, shall be permitted to carry and use, while on a mission of mercy, red lights, sirens, and any other special warning devices of a type approved by the Commissioner of Motor Vehicles.

Sec. 2. The captain or chief of any organization as defined in Section 1 above, and any other two officers designated by him, shall be permitted to mount and use, while on a mission of mercy, the special equipment defined in Section 1 above, on their private automobiles. Provided, however, that the captain or chief and officers of said organization shall first list their names, and the make and model of their private automobile with the Clerk of Superior Court of the county where they reside.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of their conflict.

Sec. 4. This Act shall apply only to Gaston and Lincoln Counties.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1167 **CHAPTER 1083**

AN ACT TO AMEND CHAPTER 1427 OF THE SESSION LAWS OF 1957 RELATING TO CONTRIBUTIONS TO THE WESTERN NORTH CAROLINA REGIONAL PLANNING COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 1427 of the Session Laws of 1957 is amended by inserting after the comma following the word "Madison" and before the word "Polk" in line 3, the word "McDowell". Section 6 of Chapter 1427 of the Session Laws of 1957 is further amended by inserting after the comma following the word "Polk" and before the word "Swain", in line 3, the word "Rutherford".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1191 **CHAPTER 1084**

AN ACT TO AUTHORIZE AND EMPOWER THE CITY OF BURLINGTON TO MAKE CERTAIN LOCAL IMPROVEMENTS AND PRESCRIBING THE PROCEDURE THEREFOR AND FOR THE ASSESSMENT OF ALL OR A PART OF THE COSTS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. General Purpose of Act. It is the purpose of this Act to provide a method whereby one or more local improvements of the kind specified in Section 4 of this Act and the assessments therefor may be made on or in one or more streets or between streets in a single proceeding by the City of Burlington.

Sec. 2. Procedure Herein Prescribed Complete but Not Exclusive. This Act is intended to prescribe the complete procedure for the making of those local improvements referred to in the Act and for assessing and collecting such portion of the costs thereof as is hereinafter provided; but the method hereby provided is not intended to be exclusive and the City of Burlington may proceed with respect to such local improvements either as prescribed by this Act or as is now or may hereafter be prescribed by the Charter of the City of Burlington or by other general laws of the State.

Sec. 3. Definition of Terms. In this Act certain words and phrases will be used with the following meaning, unless some other meaning is plainly intended:

(a) A "local improvement" is an improvement authorized by this Act and made under the provisions hereof.

(b) "Governing body" refers to the City Council of the City of Burlington.

(c) A "street" is a public way embracing a street, boulevard, avenue, land, alley, parkway, court and terrace, but not embracing sidewalks.

(d) A "storm sewer" is a conduit above or below ground for the passage of storm water, and may embrace a pumping station and outlet where deemed necessary; and may also embrace the building of culverts over or the enclosing of streams where necessary or advisable to carry off storm water.

(e) A "sanitary sewer" is an underground or aboveground conduit for the passage of sewage and may embrace a pumping station and outlet where deemed necessary.

(f) A "water main" is a pipe for the passage of city water for public hydrants and private and public use and consumption.

(g) A "lateral" is a pipe connecting a storm or sanitary sewer or water main with the line of adjacent property or the curb line, as the governing body may prescribe, being either a sewer lateral or a water lateral, but does not include a building connection; that is, a pipe extending from a lateral at the property line or curb line to the house or plumbing fixtures on the property to be served.

(h) The word "sewer" includes both sanitary and storm sewers unless a contrary intention is shown.

Sec. 4. Local Improvements Authorized by This Act. Improvements authorized to be made under the provisions of this Act are divided into five classes, as follows:

(a) Water main improvements, which include the laying or construction of water mains, the relaying where necessary of parts of paved streets and sidewalks torn up or damaged incident to the laying or construction of such mains, and in any case where the improvements are made upon petition and the petition so requests, or in any case where the improvement is made without petition and the governing body so directs, the laying of water laterals.

(b) Storm sewer improvements, which include the laying or construction of storm sewers, the relaying, where necessary, of parts of paved streets and sidewalks torn up or damaged incident to the laying or construction of such sewers, and in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the governing body so directs, the laying of storm sewer laterals.

(c) Sanitary sewer improvements, which include the laying or construction of sanitary sewers, the relaying, where necessary, of parts of streets and sidewalks torn up or damaged incident to the laying or construction of such sewers, and in any case where the improvement is made upon petition and the petition so requests or in any case where the improvement is made without petition and the governing body so directs, the laying of sanitary sewer laterals.

(d) Street paving improvements, which include the grading, regrading, paving, repaving, macadamizing and remacadamizing of streets, with necessary drainage, sewer inlets, manholes and catch basins and the construction or reconstruction of retaining walls made necessary by any change of grade incident to such improvement, and in any case where the improvement is made upon petition if the petition so requests, or in any case where

the improvement is made without petition if the governing body so directs, it may include the construction or reconstruction of curbs, gutters and drains.

(e) Sidewalk improvements, which include the grading, regrading, construction and reconstruction of paved or otherwise improved sidewalks, the construction or reconstruction of retaining walls made necessary by and incident to such improvement, and in any case where the improvement is made upon petition, if the petition so requests, or in any case where the improvement is made without petition if the governing body so directs, it may include the construction or reconstruction of curbs, gutters and drains.

Sec. 5. Power to Make Local Improvements Embraced in this Act. The power of the City of Burlington to make the local improvements embraced in this Act shall be exercised only upon petition as set out in Section 7 of this Act, except in those cases covered by Section 8 of this Act, in which cases such power may be exercised without petition.

Sec. 6. Petition may Embrace Any One or More Local Improvements to Which this Act is Applicable. Any petition to the governing body of the City of Burlington for the making of the local improvements authorized by this Act may embrace any one or more of the classes of local improvements named in Section 4, or any one or more of the local improvements named in any subsection or subsections of said Section 4, and may embrace improvements to be made on or in one or more streets or between streets: Provided, any improvement to be made on or in more than one street shall be practically uniform in cost and kind throughout the improvement. In any case where there is park land or unimproved land on one side, or a part of one side, of a street, or where the land on one side, or a part of one side of a street, is of such a nature or is devoted to such a purpose that a special assessment against it cannot be made, or if made would probably exceed the value of the land assessed, or in any case where the owners of all the property to be assessed agree thereto, the petition may provide for making any one or more local improvements in or on a street or streets and for the assessments of the costs thereof, except the city's portion, wholly against the property on one side of such street or streets or otherwise against such abutting property as may be designated in the petition.

Sec. 7. The Petition; Certificate of Sufficiency of Petition. The petition for any one or more of such local improvements shall designate by a general description the improvement or improvements proposed, and shall request that the same be made in conformity with the provisions of this Act and that such proportion of the cost of each of such improvements as may be specified in the petition be specially assessed against the property abutting on the street or streets or part thereof in which or on which such improvements are proposed to be made; provided, that in any case where the improvement is to be made on one side of a street only, the petition shall request that the assessment be made only against the property on that side of the street whereon the improvement is to be made. The petition shall be signed by at least a mojority in number of the owners, which majority must own at least a majority of all the lineal feet of frontage, of the lands abutting upon the street or streets or part of a street or streets proposed to be improved, excluding street intersections. For the pur-

pose of the petition, all the owners of undivided interests in any land shall be deemed and treated as one person and such land shall be sufficiently signed for when the petition is signed by the owner or owners of a majority in amount of such undivided interests; provided, that for the purpose of this Section the word "owner" shall be considered to mean the owners of any life estate, or an estate by entirety, or of the estate of inheritance, and shall not include mortgagees, trustees of a naked trust, trustees under deeds of trust to secure payment of money, lien holders, or persons having inchoate rights of curtesy or dower. Upon the filing of such petition with the city, the clerk, or other person designated by the governing body thereof, shall investigate the sufficiency of the petition and if it is found to be sufficient, he shall certify the same to the governing body.

Sec. 8. Improvements on Streets Abutting Railroads. If the governing body desires to make street and sidewalk improvements on or abutting property owned and/or leased by railroad companies, it is hereby authorized to make such improvement on any such street used as a public street, subject to the rights of any railroad company to use and occupy the same for railroad purposes: Provided, however, that the petition or petitions contemplated and required by the provisions of this Act need not be signed by such railroad company or companies, nor shall any part of the railroad right of way be considered as abutting property, but the petition shall be signed by at least a majority in number of the owners of property other than the railroad right of way, who must represent at least a majority of all the lineal feet frontage of the lands, other than said railroad right of way, abutting upon such street or streets proposed to be improved: Provided, further, that as to that portion of the street which abuts upon the railroad right of way, not more than one half of the total cost of the street or sidewalk improvement, exclusive of so much of the cost as is incurred at street intersections, shall be specially assessed upon the lots or parcels of land abutting directly on the improvement, other than the property included in the railroad right of way, according to the extent of their respective frontage thereon, by an equal rate per foot of such frontage.

Sec. 9. When Petition Unnecessary. Whenever in the judgment of the governing body of the City of Burlington public interest requires that one or more of the local improvements specified in this Act be made, and if, in the opinion of the governing body, the abutting property will be benefited by such improvement to the extent of the part of the cost thereof to be assessed against the abutting property, the governing body may, without petition of the property owners, order the making of such improvement or improvements and the assessment of the costs thereof: Provided, however, no order or resolution shall be entered under this Section unless fifteen days' written notice by registered or certified mail shall be given to each known owner of the abutting property of the intention to enter such order or adopt a resolution. No part of the cost of any street or sidewalk improvement shall be assessed against any railroad right of way on account of an improvement made pursuant to this Section if said street or sidewalk substantially parallels the railroad track. In such event if the governing body proceeds without petition under this Section, then, as to the portion of the improvement abutting the railroad right of way, not more than one

half of the total cost of the street or sidewalk improvement, exclusive of so much of the cost as is incurred at street intersections, shall be specifically assessed upon the lots or parcels of land abutting directly on the improvement, other than the property included in the railroad right of way.

Sec. 10. Preliminary Resolution. Upon the finding by the governing body that the petition for a local improvement or improvements is sufficient, or when it is proposed to make without petition any improvement or improvements authorized to be made without petition by Section 8 of this Act, the governing body shall adopt a resolution which shall contain substantially the following:

(a) That a sufficient petition has been filed for the making of the improvement or improvements, or, if it is proposed to make the improvement or improvements without petition, a statement of the reasons proposed for the making thereof;

(b) A brief description of the proposed improvement or improvements;

(c) The proportion of the cost of the improvement or improvements to be specially assessed and the terms of payment;

(d) A notice of the time and place, when and where a public hearing will be held on the proposed improvement or improvements;

(e) A notice that all objections to the legality of the making of the proposed improvement or improvements shall be made in writing, signed in person or by attorney, and filed with the clerk of the city at or before the time of such hearing, and that any such objections not so made will be waived.

The resolution shall be published one time in a newspaper published in the city or if there be no such newspaper, such resolution shall be posted in three public places in the city for at least thirty days, the date of publication or posting of the resolution to be not less than ten days prior to the date fixed for the hearing; provided, that in any case where the governing body so directs such notice as is hereinbefore provided for may be given of the proposed improvement or improvements in the following manner: A copy of said preliminary resolution shall be served upon the owners of the lands subject to assessment for such improvement (the word "owners" as used herein having the same meaning as in Section 7), if such owners can be found with reasonable diligence within the city. If any such owner cannot with reasonable diligence be found within the city, then a copy of such resolution shall be mailed to the address of such owners, as nearly as the same can be ascertained with due diligence. Such copies may be served or mailed by any police officer of the city, and the return of such officer that such copies were served or mailed as hereinbefore provided shall be conclusive in the absence of fraud. The serving or mailing of such copies shall be completed not less than five days prior to the date fixed for the hearing.

Sec. 11. Public Hearing on Preliminary Resolution. At the time for the public hearing, or at some subsequent time to which such hearing shall be adjourned, the governing body shall consider such objections to the legality of the making of the improvement or improvements as have been made in compliance with subsection (e) of the preceding Section, together with such objections as may be made to the policy or expediency of the making of the

improvement or improvements and the governing body shall thereafter determine whether it will order the making of said improvement or improvements. Any objection against the legality of the making of the improvement or improvements not made in writing, signed in person or by attorney, and filed with the clerk of the city at or before the time or adjourned time of such hearing shall be considered as waived; and if any such objection shall be made and shall not be sustained by the governing body, the adoption of the resolution ordering the making of the improvement or improvements as provided in the next following Section shall be the final adjudication of the issues presented, unless within ten days after the adoption of such resolution proper steps shall be taken in a court of competent jurisdiction to secure relief.

Sec. 12. Contents of Resolution Ordering Improvements; Publication. After such public hearing, if the governing body determines to make the improvement or improvements proposed, the governing body shall adopt a resolution which shall contain:

(a) If the improvement or improvements are to be made by virtue of a petition, a finding by the governing body as to the sufficiency of the petition. (The finding of the governing body as to the sufficiency of the petition shall be final and conclusive.) If the improvement or improvements are to be made without petition by virtue of the authority contained in Section 8 of this Act, a finding by the governing body of such facts as are required by said Section in order to authorize said governing body to order such improvement or improvements made without petition.

(b) A general description of the improvement or improvements to be made and the designation of the street or streets or parts thereof where the work is to be done.

(c) A designation of the proportion of the cost of the improvement or improvements to be assessed against abutting property, and of the number of equal annual installments in which assessments may be paid.

Sec. 13. Governing Body to Determine Details of Construction; Power with Respect to Contracts for Construction. The governing body of the city shall have power to determine the character and type of construction and of material to be used and to determine any other details of plan or construction necessary to be determined in making any of the improvements authorized by this Act and to determine whether any work to be done by the city shall be done by contract or by forces of the city. If said work or any part thereof is to be done by contract, the city may let all of said work in one contract, or it may divide the same into several contracts, and may let said contracts separately.

Sec. 14. Governing Body to Determine Cost of Improvement. Upon the completion of the improvement or improvements to be made by said resolution, the governing body of the city shall ascertain the total cost thereof. In addition to other items of cost, there shall be included in such total cost, the cost of all necessary legal services, engineering fees, the amount of damages paid or to be paid for injury to property by reason of any change of grade or drainage, including court costs and other expenses incidental to the determination of such damages. In determining the cost of any of the improvements authorized by this Act, the governing body shall include

therein the interest paid on the cost of the improvement during the period of construction. The determination of the governing body as to the total cost of any improvement shall be conclusive.

Sec. 15. Preliminary Assessment. Having determined such total cost, the governing body of the municipality shall thereupon make a preliminary assessment as hereinafter set out in this Section. Such preliminary assessment shall, however, be advisory only, and shall be subject to the action of the governing body thereon as hereinafter set out in Section 17 of this Act. Said preliminary assessment shall be made on the basis hereinafter set out in this Section for the classes of improvements indicated: Provided, that if the petition or the resolution, in those cases where the improvement was ordered made without petition, specified that there should be specially assessed against the abutting property a smaller proportion of the cost of any improvement than is hereinafter specified in this Section, then there shall be assessed against such abutting property only such proportion of the cost of such improvement as was specified in said petition or in said resolution.

(a) Street paving. The total cost of any street paving improvement, exclusive of so much of said cost as is incurred at street intersections, shall be specially assessed against the lots and parcels of land abutting directly on the street paved, according to the extent of their respective frontages thereon, by an equal rate per foot of such frontage.

(b) Sidewalks. The total cost of constructing or reconstructing sidewalks shall be assessed against the lots and parcels of land abutting on that side of the street upon which such improvement is made, according to their respective frontages thereon by an equal rate per foot of such frontage, the lots within a block being deemed to abut upon a sidewalk although the latter extends beyond the lots to the curb line of an intersecting street.

(c) Water mains and sewers. In the case of water mains and storm and sanitary sewers, the cost of not exceeding an eight-inch water or sanitary sewer main and of not exceeding a thirty-inch storm sewer main and of such portion of said mains as lie within the limits of the street or streets or part thereof, to be improved as provided in the petition or resolution ordering the same, shall be assessed against the abutting property. Such cost shall be assessed against the lots and parcels of land abutting on said street or streets or parts thereof, according to their respective frontages thereon by an equal rate per foot of such frontage; provided, that in case of a corner lot used as a single lot, where there is a water main or sewer already laid on the intersecting street on which such lot abuts and by which such lot is or can be served, no assessment shall be made against said lot for the second water main or sewer for any part of the frontage of said lot except that portion in excess of one hundred and fifty feet if said lot is in a residential section of the city, or in excess of one hundred feet if said lot is in a business section of the city, and in such case, such portion of said cost as would otherwise be assessed against said lot shall be borne by the city; provided, further, that if a water or sanitary sewer main in excess of eight inches in size or a storm sewer main in excess of thirty inches in size is laid in said portion of said street or streets, then the cost of such water or sanitary sewer main in excess of the cost of an eight-

inch main and the cost of such storm sewer main in excess of a thirty-inch main shall be borne by the city; provided, further, that if the resolution ordered the construction of any pumping station or disposal plant, no part of the costs of same shall be specially assessed. Whenever in the opinion of the governing body the best interest of the city will be served, and it will be more economical and the interest of the property owners will best be served by constructing either water or sanitary sewer mains, or both, between the streets rather than in a street, the petition may provide therefor, or in the event the water and sanitary sewer mains may be constructed in a street without petition, they may be constructed between streets without petition, and the cost of the construction of such water or sewer mains and laterals shall be assessed according to the street frontage in the same manner and to the same extent that it would be assessed if the improvements were constructed in a street; provided that the city shall provide the rights of way for construction and maintenance of such mains at its own expense and without assessing the costs thereof.

Nothing contained herein shall be construed to limit the right of the city to contract with any property owner or owners for the construction of any pumping station, outfall, or disposal plant or for the construction of water mains or storm or sanitary sewers and for the assessment of the costs thereof according to the terms of such contract.

(d) The entire cost of each water and sewer lateral required to be laid shall be specially charged against the particular lot and parcel of land for or in connection with which it was made.

Sec. 16. Preliminary Assessment Roll. For the purpose of assessment, the governing body of the city shall cause to be prepared a preliminary assessment roll, on which shall be entered a brief description of each lot or parcel of land assessed, the amount assessed against each such lot as determined under the provisions of the next preceding Section, and the name or names of the owner or owners of each such lot, as far as the same can be ascertained; provided, that a general plan map of the improvement or improvements on which is shown the frontage and location of each lot on the street improved, together with the amount assessed against each such lot and the name or names of the owner or owners thereof, as far as the same can be ascertained, shall be a sufficient assessment roll. If the resolution directed the making of more than one improvement, a single preliminary assessment roll for all of the improvements authorized by such resolution shall be sufficient, but the cost of each improvement to each lot affected shall be shown separately.

Sec. 17. Filing of Preliminary Assessment Roll; Publication of Notice of Hearing Thereon. After such preliminary assessment roll has been completed, the governing body of the city shall cause it to be filed in the office of the clerk of the city for inspection by parties interested, and shall cause to be published one time, in some newspaper published in the city, or if there be no such newspaper the governing body shall cause to be posted in three public places in the city, a notice of the completion of the assessment roll, setting forth a description in general terms of the local improvement or improvements, and stating the time fixed for the meeting of the govern-

ing body for the hearing of objections to the special assessments, such meeting to be not earlier than ten days after the publication or from the date of posting of said notice. Any number of assessment rolls may be included in one notice. The governing body shall publish in said notice the amount of each assessment. In any case where the governing body directed as provided by Section 9 that the preliminary resolution should be served or mailed instead of being published, the notice hereinbefore required by this Section need not be published or posted, but may be served or mailed as provided with respect to the preliminary resolution by said Section 9. The serving or mailing of such notices shall be completed not less than five days prior to the date fixed for the hearing of the assessment roll, and the return of the police officer serving or mailing the same shall in the absence of fraud be conclusive that the same were served or mailed.

Sec. 18. Hearing; Revision; Confirmation; Lien. At the time appointed for that purpose or at some other time to which it may adjourn, the governing body of the city shall hear the objections to the preliminary assessment roll of all persons interested, who may appear and offer proof in relation thereto. Then or thereafter, the governing body shall either annul or sustain or modify in whole or in part the prima facie assessment as indicated on said roll, either by confirming the prima facie assessment against any or all lots or parcels described therein, or by canceling, increasing or reducing the same, according to the special benefits which said governing body decides each of said lots or parcels has received or will receive on account of such improvement. If any property which may be chargeable under this Act shall have been omitted from said preliminary roll if the prima facie assessment has not been made against it, the governing body may place on said roll an apportionment to said property. The governing body may thereupon confirm said roll, but shall not confirm any assessment in excess of the special benefits to the property assessed and the assessments so confirmed shall be in proportion to the special benefits. Whenever the governing body shall confirm an assessment for a local improvement, the clerk of the city shall enter on the minutes of the governing body and on the assessment roll, the date, hour and minute of such confirmation, and from the time of such confirmation the assessments embraced in the assessment roll shall be a lien on the property against which the same are assessed of the same nature and to the same extent as county and city or town taxes and superior to all other liens and encumbrances. After the assessment roll is confirmed, a copy of the same shall be delivered to the tax collector of the city.

Sec. 19. Appeal to Superior Court. If the owner of, or any person interested in, any lot or parcel of land against which an assessment is made is dissatisfied with the amount of such assessment he may, within ten days after the confirmation of the assessment roll, give written notice to the mayor or clerk of the city that he takes an appeal to the Superior Court of Alamance County, in which case he shall within twenty days after the confirmation of the assessment roll serve on said mayor or clerk a statement of facts upon which he bases his appeal. The appeal shall be tried as other actions at law. The remedy herein provided for any person

dissatisfied with the amount of the assessment against any property of which he is the owner or in which he is interested, shall be exclusive.

Sec. 20. Power to Correct Error in Assessment. If it shall be made to appear to the governing body after confirmation of any assessment roll that any error has been made therein, then the governing body shall cause to be published one time in some newspaper published in the city, or if there be no such newspaper the governing body shall cause to be posted at three places in the city, a notice referring to the assessment roll in which such error was made, naming the owner or owners of the lot or parcel of land with respect to which such error was made, if the same can be ascertained, and naming the time and place fixed for the meeting of the governing body for the correction of such error, such meeting not to be earlier than ten days from the publication or from the date of the posting of said notice. At the time fixed in the notice or at some subsequent time to which the governing body may adjourn, said governing body, after giving the owner or owners of the property affected and other persons interested therein an opportunity to be heard, may proceed to correct such error, and the assessment then made shall have the same force and effect as if it had originally been properly made.

Sec. 21. Reassessment. The governing body shall have the power, when in its judgment there is any irregularity, omission, error or lack of jurisdiction in any of the proceedings relating thereto, to set aside the whole of the local assessment made by it, and thereupon to make a reassessment. In such case there shall be included, as a part of the cost of the public improvement involved, all interest paid or accrued on notes or certificates of indebtedness, or bonds issued by the city to pay the expenses of such improvement. The proceeding shall, as far as practicable, be in all respects as in the case of original assessments, and the reassessment shall have the same force as if it had originally been properly made.

Sec. 22. Notice of Confirmation of Assessment Roll. After the expiration of twenty days from the confirmation of the assessment roll, the tax collector, or such other officer of the city as the governing body may direct so to do, shall notify each property owner by regular mail that any asessment contained in the assessment roll, naming and describing it, may be paid to him at any time before the expiration of thirty days from the date of such notice, without interest from the date of confirmation of said assessment roll, but that if such assessment is not paid in full within said time, all installments thereof shall bear interest at the rate of six per cent (6%) per annum from said date of confirmation of said assessment roll.

Sec. 23. Payment of Assessments in Cash or by Installments. The property owner hereinbefore mentioned in this Act shall have the option and privilege of paying for the improvements hereinbefore provided for in cash as provided in the preceding Section or in not less than five or more than ten equal annual installments as may have been determined in the original resolution ordering the improvement or improvements. If paid in installments, such installments shall bear interest at the rate of six per cent (6%) per annum from the date of the confirmation of the assessment roll. If any assessment is not paid in cash, the first installment thereof with interest thereon shall become due and payable thirty days after the

notice required by the preceding Section and one subsequent installment and interest thereon shall be due and payable on the same day of the same month in each successive year until said assessment is paid in full; provided, however, that if the governing body shall so direct such installments shall become due and payable on the same date when property taxes of the city are due and payable. If any installment with interest thereon is not paid when due, it shall be subject to the same penalties as are now prescribed by law for unpaid taxes, in addition to the interest herein provided for. The whole assessment may be paid at any time by the payment of the full amount due with accrued interest.

Sec. 24. Enforcement of Payment of Assessments. In case of the failure of any property owner to pay any installment when the same shall become due and payable, then and in that event all of the installments remaining unpaid shall immediately become due and payable, and such property may be sold by the city under the same rules, regulations, rights of redemption and savings as are now prescribed by law for the sale of land for unpaid taxes. Collection of such assessments with interest and penalties, may also be made by the city by proceedings to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the State, and it shall be lawful to join in any bill for foreclosure any one or more lots or parcels of land, by whomsoever owned, if assessed for an improvement ordered by the same resolution, after default in the payment of any installment, the payment of said installment, together with interest and penalties due thereon, before the lot or parcel of land, against which the same is a lien, is sold or said lien is foreclosed as hereinbefore provided, shall bar the right of the city to sell said land or to foreclose the lien therein by reason of said default.

Sec. 25. Apportionment of Assessments. In any case where one or more special assessments shall have been made against any property for any improvement or improvements authorized by this Act, whether such improvements shall have been made on one or more streets, and said property has been, or is about to be, subdivided, and it is therefore desirable that said assessment or assessments be apportioned among the subdivisions of such property, the governing body may, with the consent of the owner or owners of said property, apportion said assessment or assessments, or the total thereof, fairly among said subdivision. Thereafter, each of said subdivisions shall be relieved of any part of such original assessment except the part thereof apportioned to said subdivision, and the part of said original assessment apportioned to any such subdivision shall be of the same force and effect as the original assessment. At the time of making any such apportionment, the governing body shall cause to be entered upon its minutes an entry to the effect that such apportionment is made with the consent of the owner or owners of the property affected, and such entry shall be conclusive of the truth thereof except in case of fraud.

Sec. 26. No Change of Ownership Affects Proceedings. No change of ownership of any property or interest therein after the passage of a resolution ordering the making of any improvement authorized by this Act

shall in any manner affect subsequent proceedings, and such improvement may be completed and assessments made therefor as if there had been no change in such ownership.

Sec. 27. Proceedings in Rem. All proceedings for special assessment under the provisions of this Act shall be regarded as proceedings in rem, and no mistake or omission as to the name of any owner or person interested in any lot or parcel of land affected thereby shall be regarded as substantial mistake or omission.

Sec. 28. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 29. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1194 CHAPTER 1085

AN ACT TO AMEND HOUSE BILL NO. 525 RELATING TO DRAINAGE AND DRAINAGE DISTRICTS RATIFIED ON MAY 22, 1959.

The General Assembly of North Carolina do enact:

Section 1. House Bill No. 525 entitled "A Bill to be Entitled an Act to Amend Chapter 156 of the General Statutes Relating to Drainage and Drainage Districts" and ratified on May 22, 1959, is hereby amended by striking out the words and figures "fifteen (15)" at the end of line 10 at the bottom of page 2 of the printed bill and substituting therefor the words and figures "seven (7)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1220 CHAPTER 1086

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ANSON COUNTY TO LEVY AN ADDITIONAL INDUSTRIAL DEVELOPMENT TAX SUBJECT TO A REFERENDUM OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Anson County are hereby authorized to call a special election to determine whether it is the will of the qualified voters of the county that they levy and cause to be collected annually at the same time and in the same manner as the general county taxes are collected, a special tax, in addition to that authorized under the provisions of Chapter 1322 of the Session Laws of 1955, at a rate not to exceed six cents (6¢) on each one hundred dollars ($100.00) valuation of property in Anson County. The tax, if levied, shall be deemed

a part of the Industrial Development Tax and as such shall be paid over to the Industrial Development Commission of Anson County to be used for the purpose of attracting new and diversified industries to Anson County, and for the encouragement of new business and industrial ventures by local, as well as foreign capital.

Sec. 2. The election upon the question of whether the tax provided for in Section 1 shall be levied, shall be conducted in the same manner as provided for in Sections 2 through 6 of Chapter 1322 of the Session Laws of 1955.

Sec. 3. If a majority of the voters voting in the election favor the levying of such an additional tax, the Board of Commissioners of Anson County are hereby authorized to levy such an additional tax at a rate not to exceed six cents (6¢) on each one hundred dollars ($100.00) of assessed value on real and personal property taxable in Anson County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1230 CHAPTER 1087

AN ACT PROVIDING FOR THE APPOINTMENT OF A COUNTY ACCOUNTANT FOR YANCEY COUNTY, FIXING HIS SALARY AND TERM OF OFFICE.

WHEREAS, by Chapter 245, Session Laws of 1943, J. A. Goodin was appointed County Accountant for Yancey County for a term expiring on the first Monday in April, 1945; and

WHEREAS, said Act did not definitely fix the term of office of the successors to the said J. A. Goodin; and

WHEREAS, the present Board of County Commissioners of Yancey County has taken the position that said county accountant should be appointed under the provisions of G. S. 153-115, rather than under the provisions of Chapter 245, Session Laws of 1943: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That Sections 2 and 3 of Chapter 245, Session Laws of 1943, be and the same are hereby re-enacted.

Sec. 2. That from and after the first Monday in December, 1960, the term of office of the County Accountant for Yancey County shall be two years. That for the term beginning on the first Monday in December, 1960, and biennially thereafter, the County Accountant for Yancey County shall be appointed by the officials designated by Section 3 of Chapter 245, Session Laws of 1943.

In making such appointment and in filling vacancies as provided in this Act the Superintendent of Public Instruction shall act as chairman and may call a meeting for the purpose of acting hereunder upon the giving of five days' notice to the other officials directed to act hereunder.

Upon the failure or inability to act of said Superintendent of Public Instruction then the other two officials may jointly call such meeting and make such appointment.

Sec. 3. That the salary of the County Accountant for Yancey County, who is ex officio tax collector, shall be fixed by the board of county commissioners of said county at not less than two hundred seventy-five dollars ($275.00) per month and not more than three hundred twenty-five dollars ($325.00) per month.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1232 CHAPTER 1088

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF PASQUOTANK COUNTY TO FIX THE SALARIES OF CERTAIN COUNTY OFFICIALS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Pasquotank County is authorized, in its discretion, to fix the annual salaries of the following county officials in amounts not to exceed the amounts set out opposite their respective offices:

Clerk of the Superior Court	$5,450.00
Register of Deeds	5,450.00
Accountant	5,450.00

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1234 CHAPTER 1089

AN ACT TO AMEND ARTICLE 17 OF CHAPTER 66 OF THE GENERAL STATUTES RELATING TO CLOSING-OUT SALES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 66-84, as the same appears in the 1957 Supplement to the General Statutes, is amended by adding at the end thereof the following:

"This Article shall also apply to Catawba, Forsyth, New Hanover, Gaston, Cabarrus, Columbus, Pitt, Richmond, Stanly and Wayne Counties."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1236 CHAPTER 1090

AN ACT TO AMEND ARTICLE IV OF CHAPTER 902 OF THE SESSION LAWS OF 1953 RELATING TO THE SUPPLEMENTARY RETIREMENT SYSTEM OF THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Section 1. Sections 27, 28 and 30 of Article IV of Chapter 902 of the Session Laws of 1953 are hereby amended by striking out in said Sections, wherever the same may appear, the words and figures "one hundred twenty-five ($125.00) dollars", and inserting in lieu thereof the words and figures "one hundred forty dollars ($140.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1241 CHAPTER 1091

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF NASH COUNTY TO FIX THE COMPENSATION FOR THE CHAIRMAN AND OTHER MEMBERS OF THE BOARD.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Nash County is hereby authorized and empowered by a majority vote of the duly elected members of such Board to fix the compensation of the Chairman and members thereof; provided that the salary of the Chairman of said Board of County Commissioners shall not exceed the sum of one hundred twenty-five dollars ($125.00) per month and the salaries of the members of said Board shall not exceed the sum of one hundred dollars ($100.00) per month for each Commissioner.

Sec. 2. The Chairman and other members of the Board of County Commissioners of Nash County may receive actual subsistence costs while away from home on county business, and in addition thereto an amount not exceeding seven cents (7¢) per mile for necessary travel while in the performance of their official duties, including travel to and from their respective homes in attending meetings of the Board and an amount not to exceed ten dollars ($10.00) per diem for attending special called meetings other than regular monthly meetings of the Board not to exceed six (6) such special meetings in any one year. Subsistence, mileage and per diem allowances within the limits herein specified may be authorized for said Board by a majority vote of its duly elected members.

Sec. 3. Such salaries and expenses as are authorized by the Board pursuant to the terms hereof shall be paid monthly out of the county general funds.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1244 CHAPTER 1092

AN ACT TO BAR THE COLLECTION OF TAXES LEVIED BY THE TOWN OF TEACHEY IN DUPLIN COUNTY FOR THE YEAR 1948 AND YEARS PRIOR THERETO.

The General Assembly of North Carolina do enact:

Section 1. No action or proceeding of any kind shall be maintained by the Town of Teachey in Duplin County to enforce any remedy provided by law for the collection of taxes or the enforcement of any tax liens for taxes levied for the year 1948 or any prior year unless action shall be instituted or commenced on or before December 1, 1959.

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1246 CHAPTER 1093

AN ACT TO AMEND CHAPTER 585 OF THE PUBLIC-LOCAL LAWS OF 1937, AS AMENDED BY CHAPTER 650 OF THE SESSION LAWS OF 1947, RELATING TO THE DISTRIBUTION OF PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 585 of the Public-Local Laws of 1937, as amended by Chapter 650 of the Session Laws of 1947, is hereby amended by adding a new clause at the end of said Section to read as follows:

"Provided that the Rowan County Board of Alcoholic Beverage Control may distribute as provided above any part of this ten per cent (10%) which said Board in its sole discretion may determine is not needed for the purposes enumerated.'"

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1247 **CHAPTER 1094**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SURRY COUNTY TO EXPEND SURPLUS FUNDS AND NON-AD VALOREM TAX REVENUE FOR THE PURCHASE OF LANDS AND THE CONSTRUCTION THEREON OF PUBLIC AND COMMUNITY BUILDINGS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Surry County, be and it is hereby authorized, in its discretion, to appropriate from unobligated surplus funds and from any non-ad valorem tax revenues, not more than fifteen hundred dollars ($1500.00) per unit, to be used for the purchase of land and contributions toward the construction thereon of community buildings for the use of public meetings, voting places, places for listing taxes, and any other purpose or use to be approved by the Board of County Commissioners of said county.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1248 **CHAPTER 1095**

AN ACT TO FIX THE COMPENSATION OF CERTAIN OFFICIALS OF BURKE COUNTY, AND TO FIX THE FEES TO BE CHARGED BY THE REGISTER OF DEEDS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Burke County is authorized, in its discretion, to fix the compensation of the Sheriff, Clerk of Superior Court and the Register of Deeds in an amount of not less than fifty-four hundred dollars ($5400.00) nor more than six thousand dollars ($6,000.00) each per year. In addition to the compensation which may be fixed for the Sheriff, he shall be allowed the sum of one hundred fifty dollars ($150.00) per month as travel allowance.

Sec. 2. The Chief Deputy Sheriff of Burke County shall receive an annual compensation of thirty-six hundred dollars ($3600.00) and in addition thereto shall be allowed the same travel allowance which is now or may be hereafter established by the Board of Commissioners of Burke County for rural policemen of the said county.

Sec. 3. The Assistant Clerk of Superior Court shall receive an annual compensation of thirty-seven hundred dollars ($3700.00).

Sec. 4. The Sheriff of Burke County, with the consent of the Board of County Commissioners, may appoint one additional rural policeman of Icard Township in said county.

Sec. 5. The following fees shall be charged by the Register of Deeds of Burke County:

Recording of deeds $1.25
Recording deeds of trusts and mortgages 1.50

Sec. 6. The members of the Board of County Commissioners shall be compensated for their services at a rate of twenty-five dollars ($25.00) per meeting up to a maximum of two meetings a month and in addition thereto shall be allowed a travel allowance at the rate of seven cents (7¢) per mile going to and from all meetings. The Chairman of the Board of County Commissioners shall receive an annual compensation of twelve hundred dollars ($1200.00) payable in equal monthly installments and in addition thereto shall be allowed the same travel allowance as is allowed members of the Board of County Commissioners.

Sec. 7. The compensation and expense allowances authorized by this Act shall be paid out of the General Fund of Burke County.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall become effective on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1250 CHAPTER 1096

AN ACT TO AMEND CHAPTER 13 OF THE SESSION LAWS OF 1953 RELATING TO THE ISSUANCE OF WARRANTS IN THE TRIAL JUSTICE COURT OF THE TOWN OF TARBORO IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 1 of Chapter 13, of the Session Laws of 1953, is amended by inserting a comma after the word "police" and before the word "and", in line 1, and adding the words "desk clerk".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1251 CHAPTER 1097

AN ACT TO TRANSFER CERTAIN DELINQUENT TAXES IN EDGECOMBE COUNTY TO THE GENERAL FUND.

The General Assembly of North Carolina do enact:

Section 1. Subsection 42 of G. S. 153-9, as the same appears in the 1957 Supplement to the General Statutes, is amended by adding at the end thereof the following:

"All delinquent taxes due Edgecombe County which have been due and payable for one or more years shall, when collected, and on the date of said collection, together with the penalties and costs accrued, be paid into the General Fund of Edgecombe County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1253 CHAPTER 1098

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY TO FIX THE FEES OF JUSTICES OF THE PEACE IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Montgomery County is authorized, in its discretion, to fix all fees which may be charged by justices of the peace in Montgomery County for the performance of any service or duty permitted or required of them by law.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1266 CHAPTER 1099

AN ACT TO AMEND HOUSE BILL NO. 217, RATIFIED ON MARCH 24, 1959, AND TO REPEAL HOUSE BILL NO. 903, RATIFIED ON MAY 21, 1959, RELATING TO THE MEMBERSHIP OF THE YANCEY COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. House Bill No. 217, "A Bill to be Entitled an Act to Appoint Certain Members of the Board of Education of the Respective Counties of North Carolina and to Fix Their Terms of Office", ratified on March 24, 1959, is hereby amended by striking out the unnumbered paragraph thereof relating to Yancey County, as found at lines 209 and 210 of the printed bill, and substituting therefor the following:

"Yancey: J. Leland Robinson, Phillip Westall, and C. Rex McIntosh, each for a term of two years."

Sec. 2. House Bill No. 903, "A Bill to be Entitled an Act Appointing Phillip Westall a Member of the Yancey County Board of Education in place of M. D. Bailey, Resigned", ratified May 21, 1959, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1267 CHAPTER 1100

AN ACT TO AMEND G. S. 9-4 RELATING TO THE DRAWING OF JURORS IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-4, entitled "Local modification as to drawing panel." is hereby amended by adding at the end thereof a new paragraph applying only to Alamance County, and to read as follows:

"In Alamance County the Board of County Commissioners is authorized to draw forty-six jurors for each week of Superior Court held in the county."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1273 CHAPTER 1101

AN ACT REWRITING SECTION 94 OF CHAPTER 121, PRIVATE LAWS OF 1931, REWRITTEN BY CHAPTER 149, SESSION LAWS OF 1943, RELATING TO THE LIBRARY BOARD OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That Section 94 of Chapter 121, Private Laws of 1931, rewritten by Chapter 149, Session Laws of 1943, be and the same is hereby rewritten to read as follows:

"Sec. 94. The Library Board of the City of Asheville shall be an administrative agency of said city and shall have general supervision and control of the public libraries maintained in and by said city. Said board shall consist of seven members, four of whom shall be appointed by the city council and shall be residents of the City of Asheville, and three of whom shall be appointed by the Buncombe County Board of County Commissioners and shall be residents of Buncombe County. At the first regular meeting of the city council, after the third Monday in May, 1961, four members of said board shall be appointed, two to serve for a period of four years, and two for a period of two years. Thereafter the city council, at its first regular meeting after the third Monday in May next following each election of a city council, shall appoint two members to serve for a period of four years. Vacancies occurring on said board in appointments made by the council shall be filled by the city council for the unexpired term of the incumbent. And at the first regular meeting of the Buncombe County Board of County Commissioners, after the first Monday in December, 1961, three members of said board shall be appointed to serve for a period of four years. Thereafter, the Buncombe County Board of County Commissioners, at its first regular meeting after the first Monday in December following each election of a Buncombe County Board of County Commis-

sioners shall appoint three members to serve for a period of four years. Vacancies occurring on said board in appointments made by the Buncombe County Board of County Commissioners shall be filled by the Buncombe County Board of County Commissioners for the unexpired term of the incumbent: Provided, however, that from the date of the passage of this Act, and until the next election of a city council and a Buncombe County Board of Commissioners the said Library Board shall be composed of Miss Annie Westall, who shall serve until the May, 1961 meeting above referred to; Anthony Lord, who shall serve until the May, 1961 meeting above referred to; Mrs. Wall Anderson, who shall serve until the May, 1961 meeting above referred to; Walter R. McGuire, who shall serve until the May, 1961 meeting above referred to; George Stephens, who shall serve until the December, 1960 meeting above referred to; Charles K. Robinson, who shall serve until the December, 1960 meeting above referred to; and Arthur M. Bannerman, who shall serve until the December, 1960 meeting above referred to; and in case of resignation, death or removal of any member thereof, a successor shall be appointed by a joint resolution of the City Council of the City of Asheville and the Buncombe County Board of County Commissioners."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1275 CHAPTER 1102

AN ACT TO AUTHORIZE THE CLERK AND ASSISTANT CLERK OF THE MAYOR'S COURT OF THE TOWN OF LOUISBURG TO ISSUE WARRANTS AND OTHER PROCESS.

The General Assembly of North Carolina do enact:

Section 1. The Town Clerk of the Town of Louisburg shall also serve ex officio as Clerk of the Mayor's Court of the Town of Louisburg and by virtue of his office the said clerk is hereby authorized to issue warrants, search warrants, and all other process returnable to the said Mayor's Court of the Town of Louisburg, the same as the Mayor of Louisburg is now authorized to issue.

Sec. 2. The governing body of the Town of Louisburg is hereby authorized to appoint one or more Deputy or Assistant Clerks of the Mayor's Court of the Town of Louisburg, each of whom shall be authorized and empowered to issue warrants, search warrants, and all other process returnable to the said court, as the clerk of said court is authorized to issue by virtue of Section 1 of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1277 CHAPTER 1103

AN ACT TO AMEND CHAPTER 338, PRIVATE LAWS OF 1909, AS AMENDED, RELATING TO THE RECORDER'S COURT OF THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (i) of Section 3 of Chapter 338, Private Laws of 1909, as amended, is hereby further amended by inserting after the word "shall" in the 10th line thereof, the words "in the discretion of the Recorder".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification and shall apply to the City of Charlotte only.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1278 CHAPTER 1104

AN ACT TO REPEAL CHAPTER 569 OF THE SESSION LAWS OF 1955 RELATING TO THE DESTRUCTION OF PISTOLS AND GUNS CONFISCATED IN CRIMINAL CASES IN SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 569 of the Session Laws of 1955 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1279 CHAPTER 1105

AN ACT TO AMEND G. S. 152-1 SO AS TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT OF ALAMANCE COUNTY TO APPOINT AN ASSISTANT CORONER AND TO AMEND G. S. 152-5 RELATING TO THE COMPENSATION OF THE CORONER OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 152-1, as the same appears in Volume 3C of the General Statutes, is hereby amended by adding a new paragraph at the end thereof to read as follows:

"The Clerk of the Superior Court of Alamance County is hereby authorized to appoint, upon the nomination and recommendation of the duly elected Coroner of Alamance County, some qualified and competent person

to act as Assistant Coroner for Alamance County. The person so appointed shall hold office at the pleasure of the Clerk of the Superior Court and shall take and subscribe to the oath prescribed for other public officers. He shall also execute an undertaking as required of the coroner conditioned upon the faithful discharge of the duties of his office with good and sufficient surety in the penal sum of two thousand dollars ($2,000.00) payable to the State of North Carolina, and approved by the Board of County Commissioners of Alamance County. The assistant coroner so appointed shall be vested with all the powers and duties conferred upon the regular coroner in respect to holding inquests over deceased bodies and shall be subject to the penalties and liabilities imposed on the said coroner. He shall be paid compensation for the services actually performed by him at the same rate and in the same manner as may be from time to time provided for the Coroner of Alamance County."

Sec. 2. G. S. 152-5, as the same appears in Volume 3C of the General Statutes, is hereby amended by adding at the end thereof a new paragraph to read as follows:

"Provided, that in Alamance County, the coroner shall receive the following fees in addition to the necessary expenses paid to him for burying a pauper over whom an inquest has been held:

For each investigation of a death or deaths $15.00
For each additional day necessarily devoted to such investigation .....$15.00 per day
For each inquest $15.00
For each additional day necessarily devoted to such inquest .....$15.00 per day

In addition, the coroner shall receive such allowance for travel expenses and other expenses as the Board of County Commissioners may allow."

Sec. 3. This Act shall apply only to Alamance County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1280 CHAPTER 1106

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF BIRD SANCTUARIES IN THE TOWNS OF ARCHDALE AND TRINITY IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The non-functioning incorporated municipalities of Archdale and Trinity in Randolph County are hereby declared bird sanctuaries.

Sec. 2. The protection of this Act shall not extend to any birds classed predatory by the Wildlife Resources Commission in the General Statutes of North Carolina.

Sec. 3. It shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits of the non-functioning incorporated municipalities of Archdale and Trinity in Randolph County. Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days.

Sec. 4. This Act shall apply only to the non-functioning incorporated municipalities of Archdale and Trinity in Randolph County.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1281 CHAPTER 1107

AN ACT FIXING THE TERMS OF OFFICE OF THE OFFICIALS OF THE TOWN OF CLYDE IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the terms of office of the Mayor and the members of the Board of Aldermen of the Town of Clyde, in Haywood County, and of the Judge of the Police Court of said town shall be four years.

Sec. 2. That the terms of office of the present Mayor and the members of the present Board of Aldermen of the Town of Clyde, and of the Judge of the Police Court of said town, are hereby extended until the first Tuesday after the first Monday in May, 1963, and until their successors shall be duly elected and qualified.

Sec. 3. That the Mayor and the members of the Board of Aldermen of the Town of Clyde and the Judge of the Police Court of said town shall, at the regular election for said town to be held on the first Tuesday after the first Monday in May, 1963, and quadrennially thereafter, be elected for terms of four years each, and until their successors shall be duly elected and qualified.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1282 **CHAPTER 1108**

AN ACT AUTHORIZING THE CITY OF ASHEVILLE TO CONVEY ITS INTEREST IN THE PROPERTY CONSTITUTING THE ASHEVILLE-HENDERSONVILLE AIRPORT TO THE CITY OF HENDERSONVILLE AND THE COUNTY OF HENDERSON.

WHEREAS, the City of Asheville is constructing a new airport to be known as the Asheville Airport, located in the Counties of Buncombe and Henderson; and

WHEREAS, in consideration of the County of Henderson's ceding to Buncombe County that part of said airport property located in Henderson County, the City of Asheville is willing to convey to the City of Hendersonville and the County of Henderson its interest in a portion of the property constituting the present Asheville-Hendersonville Airport and is willing to convey to Henderson County an additional tract of 23.20 acres constituting a part of said Asheville-Hendersonville Airport: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That for and in consideration of the benefits to accrue to the City of Asheville by the ceding by the County of Henderson to the County of Buncombe of that portion of the property constituting the Asheville Airport, which is located in Henderson County, the City of Asheville be and it is hereby authorized and empowered to convey its one-half undivided interest in that certain tract of land containing 116.94 acres, more or less, fully described in a deed of conveyance from T. J. Roberts (unmarried) to the City of Asheville, the County of Henderson and the City of Hendersonville by deed dated February 26, 1936, and duly recorded in the office of the Register of Deeds for Henderson County, North Carolina, in Deed Book 214, at page 14, in the foregoing proportions: One-half of its one-half undivided interest to the City of Hendersonville and the remaining one-half of its one-half undivided interest to the County of Henderson.

Sec. 2. That for the same considerations set out in Section 1 of this Act, the City of Asheville be and it is hereby authorized and empowered to convey to the County of Henderson all that certain tract of land containing 23.20 acres, more or less, fully described in a deed of conveyance from W. H. Messer and wife Myrtle Messer to the City of Asheville by deed dated February 25, 1941, and duly recorded in the office of the Register of Deeds of Henderson County in Deed Book 233, at page 15.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1284 **CHAPTER 1109**

AN ACT REWRITING SECTION 1 OF CHAPTER 137, PUBLIC-LOCAL LAWS OF 1939 SO AS TO PROVIDE FOR THE NOMINATION OF MEMBERS OF THE PERQUIMANS COUNTY BOARD OF COMMISSIONERS BY TOWNSHIPS AND THEIR ELECTION BY THE VOTERS OF THE COUNTY AT LARGE.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 137, Public-Local Laws of 1939 be and the same is hereby rewritten to read as follows:

"Section 1. That at the primary election to be held in the year 1960 and biennially thereafter, there shall be nominated for membership on the Board of County Commissioners for Perquimans County one candidate by the voters of each of the five townships in said county, participating in the primary of each of the recognized political parties, and should there be more than one candidate for such nomination of any of the recognized political parties from any one of the aforesaid five townships, the candidate from said township receiving the highest number of votes in his respective primary shall be declared the nominee of his party from such township for election in the general election to be held in the year 1960 and biennially thereafter. In the general election the nominees from each of the five townships shall be elected by the qualified voters of Perquimans County as a whole: Provided, that in the event there is no candidate from any one or more townships in the county, the County Executive Committee of any political party therein shall nominate the candidate of such party as the nominee to be voted upon in such general election."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1285 **CHAPTER 1110**

AN ACT FIXING THE MEMBERSHIP OF PERQUIMANS COUNTY BOARD OF EDUCATION AND PROVIDING THAT ONE MEMBER OF SAID BOARD SHALL BE NOMINATED FROM EACH OF THE FIVE TOWNSHIPS WITHIN THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That from and after the first Monday in April, 1961, the Perquimans County Board of Education shall be composed of five members. For the purpose of nominating members of said board of education, said county is hereby divided into five districts, each of the five townships within the county constituting a district for such purpose.

Sec. 2. That at the primary election to be held in 1960 and biennially thereafter, there shall be nominated one member of said board of education from each of the five districts hereby created.

Sec. 3. That the names of the person so nominated for membership on the Perquimans County Board of Education shall be duly certified to the State Superintendent of Public Instruction in accordance with the provisions of G. S. 115-19.

Sec. 4. The candidates in the primary from each of the respective districts herein created shall be voted for by all of the qualified voters of Perquimans County and the candidate from each district who receives the largest number of votes shall be declared the nominee of his party from said district.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1290 CHAPTER 1111

AN ACT TO REQUIRE THE COUNTY COMMISSIONERS OF CHATHAM COUNTY TO TURN INTO THE GENERAL FUND ALL TAXES COLLECTED FOR THE YEAR 1957 AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Chatham County be, and it is hereby, required to turn into the general fund of the County of Chatham the proceeds of all uncollected taxes which may hereafter be collected for the year 1957, and all prior years.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1291 CHAPTER 1112

AN ACT TO AMEND G. S. 162-7 RELATING TO THE FEES TO BE CHARGED BY THE SHERIFF OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 162-7, as the same appears in the 1957 Cumulative Supplement of Volume 3C of the General Statutes, is hereby amended by adding at the end thereof the following:

"The Sheriff or other lawful officer of Wilson County is hereby authorized to charge the following fees:

Arrest	$ 3.00
Serving Capias	3.00
Serving summons in civil actions and special proceedings in which there is only one party defendant	2.00
Serving summons on each additional defendant in civil actions and special proceedings	2.00

Serving subpoena	.75
Serving claim and delivery	3.00
Serving each additional defendant in claim and delivery action	2.00
Serving execution	2.00
Serving orders of courts, and notices, other than when serving summons	2.00
Summoning a juror	.50
Posting notices	1.00
Taking bond	1.00
Levying an attachment	3.00
Allotment of widow's year's support	2.00
Ejectment and recovery of possession of land	5.00
Laying off homestead and/or personal property exemption by three commissioners and sheriff	20.00

Commission for collecting money under execution: 5% on first $500.00 and 2½% on excess of $500.00.

"Whenever the sheriff is required to sell land or personal property under execution or order of the court and deeds, reports and/or other legal papers are required to be made by the sheriff, an attorney shall prepare all legal papers in connection with same and the Clerk of the Superior Court shall fix a reasonable attorney's fee for such services to be paid said attorney as court cost in the action or proceeding; provided that when a fee is not fixed herein, such fee shall be as provided in G. S. 162-6."

Sec. 2. This Act shall apply only to Wilson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1292 CHAPTER 1113

AN ACT RELATING TO THE SALARY OF THE CLERK OF THE SUPERIOR COURT OF HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That effective July 1, 1959, the compensation of the Clerk of the Superior Court of Hyde County shall be increased in the amount of fifty dollars ($50.00) per month over and above the compensation now allowed by law, said amount to be paid monthly from the general fund of the county.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1293 **CHAPTER 1114**

AN ACT VALIDATING AND CONFIRMING OFFICIAL ACTS OF THE DEPUTY REGISTER OF DEEDS OF WATAUGA COUNTY PERFORMED IN THE NAME OF THE REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

Section 1. That all official acts of the Deputy Register of Deeds of Watauga County performed in the name of the Register of Deeds pursuant to the provisions of G. S. 161-6 or any other applicable law since November 4, 1958, be and the same are hereby in all respects validated, ratified and confirmed. All such official acts shall have the same force and effect as if done and performed by the Register of Deeds in person.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1294 **CHAPTER 1115**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY TO FIX THE SALARIES AND FEES OF ALL APPOINTED OFFICIALS OF POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Polk County is hereby authorized and empowered to fix the salaries and fees to be received by all appointed officials of Polk County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1295 **CHAPTER 1116**

AN ACT TO AMEND G. S. 7-134 RELATING TO THE FEES TO BE CHARGED BY JUSTICES OF THE PEACE IN ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-134, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding at the end thereof the following:

"The Justices of the Peace of Alleghany County shall charge the following fees:

Attachment	$ .75
Additional defendant	.25
Transcript of judgment	.50
Summons	.60
Additional defendant	.25
Subpoena for witness	.50
Trial when issues are joined	1.50
Judgment	1.00
Taking bond or other undertaking	.50
Jury trial and rendering verdict	1.50
Execution	.50
Return to appeal	.50
Warrant for arrest	1.50
Commitment	.50
For hearing petition for Widow's Allowance issuing notice to Commissioners and allotting same	2.00
Filing laborer's lien	1.00
Probating deed or other writing	.75
Probating chattel mortgage	.50
Issuing all papers in Claim and Delivery proceedings	2.00
Additional defendant	.25

provided that when a fee is not fixed herein, such fee shall be as provided in G. S. 7-134."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1298 CHAPTER 1117

AN ACT AUTHORIZING THE CITY OF ROCKY MOUNT TO SELL CERTAIN LAND THAT IS NOT NEEDED FOR MUNICIPAL PURPOSES.

WHEREAS, the City of Rocky Mount is the owner of a 5.1-acre parcel of land within its corporate limits in Edgecombe County; and

WHEREAS, said land is not needed for municipal purposes; and

WHEREAS, said land is ideally adaptable for use as a site of a United States Army Reserve Training Center and such use is to and for the benefit of the City of Rocky Mount and its citizens: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Rocky Mount, in the exercise of its discretion, is hereby authorized to sell at private sale that certain 5.1-acre parcel of land located within its corporate limits in Edgecombe County more particularly described as follows:

BEGINNING at a point in the western right-of-way line of Fairview Road, said point being 1793.8 feet (measured along the western right-of-

way line of Fairview Road) North of the northeast corner of the Levi Braswell subdivision (or now the northeast corner of lot now owned by Marvin F. Gurganus); thence making an interior angle of 90 degrees and in a westerly direction 435 feet to an iron stake; thence making an interior angle of 90 degrees and in a northerly direction 380 feet to an iron stake; thence making an interior angle of 122 degrees 13 minutes; and in a northeasterly direction 514.1 feet to an iron stake, said stake being in the western right-of-way line of Fairview Road; thence making an interior angle of 57 degrees 47 minutes and in a southerly direction along the western right-of-way line of Fairview Road, 654 feet to the point of beginning.

The terms and conditions of said sale shall be such as said governing body of said city deems appropriate and the mayor and city clerk of said city, upon being authorized by said governing body are hereby empowered to execute such deeds or other instruments necessary thereto.

Sec. 2. No sale of said property shall be had until notice thereof shall have been given to the public by publishing the same once a week for two successive weeks in a newspaper published in the City of Rocky Mount and a public hearing held in relation thereto, the first publication of said notice to be at least ten days prior to the public hearing. Such notice shall state (1) the intention of said governing body to consummate the sale of said land, (2) a brief description of the property, (3) the terms of the proposed sale, (4) the time and place of the public hearing, and (5) that any citizen objecting to the proposed sale may present his objection at the public hearing.

Sec. 3. Section 59 of Chapter 160 of the General Statutes of North Carolina and all other laws and clauses of laws in conflict shall be inapplicable to the transactions herein authorized.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1305 **CHAPTER 1118**

AN ACT TO AMEND HOUSE BILL NO. 417 RATIFIED THE 21ST DAY OF MAY, 1959, ENTITLED "AN ACT EXTENDING THE CORPORATE LIMITS OF THE CITY OF HIGH POINT AND AMENDING THE CHARTER OF SAID CITY WITH REFERENCE TO THE CORPORATE LIMITS OF SAID CITY".

The General Assembly of North Carolina do enact:

Section 1. House Bill No. 417, ratified the 21st day of May, 1959, is hereby amended by striking out the words:

"thence southwardly (downstream), with the center line of the Deep River, for a distance of 1500 feet, more or less, to a point 200 feet beyond the mouth of an unnamed stream (which stream crosses Scientific Street about 400 feet South of the Southern Railway); thence southwestwardly (upstream) parallel to and 200 feet southeast of the center line of said

unnamed stream, for a distance of 5000 feet, more or less, to a point 200 feet East of the center line of Scientific Street" immediately following the semicolon after the word "River" in line 54 and immediately preceding the semicolon at the end of line 61 of Section 1 of the ratified bill, and substituting in lieu thereof the following:

"thence southwardly (downtream) with the center line of the Deep River for a distance of 1300 feet, more or less; to the mouth of an unnamed stream (which stream crosses Scientific Street about 400 feet South of the Southern Railway); thence southwestwardly (upstream) with the center line of said unnamed stream, for a distance of 4500 feet more or less, to a point 200 feet East of the center line of Scientific Street".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. B. 1306 CHAPTER 1119

AN ACT AMENDING THE CHARTER OF THE TOWN OF BRIDGETON, IN CRAVEN COUNTY, BY REPEALING THE STATUTE REQUIRING THE NOMINATION OF CANDIDATES FOR MUNICIPAL OFFICERS BY PRIMARY ELECTIONS, AND FIXING THE DATE FOR GENERAL MUNICIPAL ELECTIONS IN SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That each and every subsection of Section 2, Chapter 58, Private Laws of 1935, be and the same is hereby repealed.

Sec. 2. That Section 3 of Chapter 177, Public-Local Laws of 1937, as amended by Chapter 240, Session Laws of 1957, be and the same is hereby rewritten to read as follows:

"Sec. 3. That a general election shall be held in said Town of Bridgeton on the first Saturday in June, 1961, and biennially thereafter, under the applicable provisions of Chapters 160 and 163 of the General Statutes, and that the polls shall be opened at 6:30 A. M. and remain open until 6:30 P. M. for such election."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

S. B. 75 **CHAPTER 1120**

AN ACT TO AMEND CHAPTER 26 OF THE GENERAL STATUTES RELATING TO THE TRANSFER OF AN OBLIGATION TO THE PAYING SURETY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 26 of the General Statutes is hereby amended by inserting immediately following Section 26-3 and immediately preceding Section 26-4 a new Section to be designated Section 26-3.1 and to read as follows:

"§ 26-3.1. Surety's Recovery on Obligation Paid; No Assignment Necessary. (a) A surety who has paid his principal's note, bill, bond or other written obligation, may either sue his principal for reimbursement or sue his principal on the instrument and may maintain any action or avail himself of any remedy which the creditor himself might have had against the principal debtor. No assignment of the obligation to the surety or to a third party trustee for the surety's benefit shall be required.

"(b) The word 'surety' as used herein includes a guarantor, accommodation maker, accommodation indorser, or other person who undertakes liability for the written obligation of another."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 77 **CHAPTER 1121**

AN ACT TO PERMIT JOINDER OF THE PRINCIPAL DEBTOR AS A PARTY DEFENDANT WHEN A SURETY IS SUED BY A CREDITOR.

The General Assembly of North Carolina do enact:

Section 1. Chapter 26 of the General Statutes is hereby amended by adding at the end thereof a new Section to be numbered G. S. 26-12 and to read as follows:

"§ 26-12. Joinder of Debtor by Surety. (a) As used in this Section, 'surety' includes guarantors, accommodation makers, accommodation indorsers, or others who undertake liability on the obligation and for the accommodation of another.

"(b) When any surety is sued by the holder of the obligation, the court, on motion of the surety, may join the principal as an additional party defendant, provided the principal is found to be or can be made subject to the jurisdiction of the court. Upon such joinder, the surety shall have all rights, defenses, counterclaims, and setoffs which would have been available to him if the principal and surety had been originally sued together."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 169 CHAPTER 1122

AN ACT TO REQUIRE FINANCIAL RESPONSIBILITY OF DEALERS IN SECURITIES AND TO PROVIDE FOR THE SUPERVISION OF SUCH DEALERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 78 of the General Statutes of North Carolina is hereby amended:

1. By adding after the second sentence in Section 78-19 the following:

"Every applicant for registration as a dealer, or for the renewal of such registration, shall be required to be registered as a dealer with the Securities and Exchange Commission, as a prerequisite for registration in this State, except a person dealing exclusively in securities exempt from registration under subsection (a) of Section 78-3 of the General Statutes. A dealer not either registered with the Securities and Exchange Commission or supervised and examined by an agency of the Government of the United States, or of the State of North Carolina, shall file annually within one hundred twenty days after the end of the fiscal year of such dealer, with the Secretary of State a financial statement of condition duly certified by an independent certified public accountant. Dealers not supervised as herein provided may be examined at any time by the Secretary of State, or his representative, upon evidence satisfactory to the Secretary of State of the insolvency or imminent danger of insolvency of such dealer."

2. By changing the period after the phrase "(4) has demonstrated his unworthiness to transact the business of dealer or salesman" to a semicolon and adding the following:

"or (5) has ceased to be qualified for registration under the terms of this Section; or (6) shall be insolvent or in imminent danger of insolvency, or shall have failed to meet such dealer's financial obligations in the ordinary course of business".

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 218 CHAPTER 1123

AN ACT TO AMEND CHAPTER 52A OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 52A-3 is hereby amended by changing the colon in line 4 of subparagraph (4) thereof to a period and by striking out all the remainder of said subparagraph beginning with the word "Provided".

Sec. 2. G. S. 52A-9 is hereby amended by rewriting the second sentence thereof, beginning with the word "Jurisdiction" in line three, to read as follows:

"Jurisdiction of all proceedings hereunder shall be vested in any court of record in this State having jurisdiction to determine liability of persons for the support of dependents in any criminal proceeding."

Sec. 3. G. S. 52A-10.1 is hereby amended by inserting a period after the word "chapter" in line three thereof, and by striking out the words "when this State is a responding state as defined in G. S. 52A-3", in lines three and four of said Section.

Sec. 4. Chapter 52A of the General Statutes of North Carolina is hereby amended by inserting therein a new Section following Section 52A-8, which shall be designated "Section 52A-8.1", and which shall read as follows:

"§ 52A-8.1. Remedies of a County Furnishing Support. Whenever a county of this State furnishes support to an obligee, it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement for such support and of obtaining continuing support with the exception that the term obligee as used in this Section shall not apply to children owing the duty of support to their parents."

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 243 CHAPTER 1124

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A SPECIAL COUNTY ATTORNEY AND TO DEFINE HIS DUTIES.

The General Assembly of North Carolina do enact:

Section 1. The board of county commissioners of any county, with the approval of the county board of public welfare, may appoint a duly qualified and licensed attorney who shall serve as a special county attorney for the purposes of this Act. In lieu of appointing a special county attorney the board of county commissioners may designate the county attorney, the assistant district solicitor or the solicitor of any court in the county inferior to the Superior Court as special county attorney and provide for him additional compensation for the performance of the duties imposed upon him as special county attorney. Such special county attorney shall serve as legal advisor to the county superintendent of public welfare, the county board of public welfare and the board of county commissioners in public welfare matters, and provision for his compensation and other expenses may be made in the special tax levy for county welfare administration. Nothing in this Act shall be construed as prohibiting any system or plan by which any county in the State may already have made specific arrange-

ments for specialized legal services of the nature herein prescribed, or the authority of any county government to retain and compensate special legal counsel for the purposes of discharging all or some of the duties and responsibilities herein set forth, or to impair the validity of the expenditure of public funds for specialized legal services.

Sec. 2. The special county attorney shall have the following duties:

(1) He may represent the county, the plaintiff or the obligee in all proceedings brought under the Uniform Reciprocal Enforcement of Support Act and as a part of such representation shall exercise continuous supervision of compliance with any order entered in any proceeding under said Act.

(2) By direction of the board of county commissioners and by and with the consent and approval of the county attorney, the special county attorney may be assigned and may discharge all of the duties of the county attorney in respect to the old age assistance lien.

(3) He shall be authorized to appear as special prosecution on behalf of the State and to make all necessary investigation preliminary thereto in connection with the preparation and prosecution of criminal cases under Article 40 of Chapter 14 of the General Statutes, entitled "Protection of the Family".

(4) He shall be authorized to investigate, institute, prepare and prosecute as special prosecution, in cooperation with the solicitor of any court of record, all proceedings authorized under Chapter 49 of the General Statutes, entitled "Bastardy".

(5) He shall perform such other duties as may be assigned him by the board of county commissioners.

Sec. 3. In performing any of the duties set forth in Section 2 of this Act, the special county attorney is authorized to call upon any county board of public welfare or the State Board of Public Welfare for such information as is necessary for the performance of such duties; and such boards are hereby directed to assist special county attorneys in the performance of their duties and to furnish necessary information.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective on July 1, 1959.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 254 CHAPTER 1125

AN ACT TO AMEND G. S. 77-14 RELATING TO OBSTRUCTIONS IN STREAMS AND FARMLAND DRAINAGE DISTRICTS SO AS TO MAKE THE SAME APPLY TO OTHER LANDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 77-14 is hereby amended by:

(1) striking out in the catch line thereof the word "farmland"; and

(2) Striking out in line 4 thereof the words "farm or agricultural lands" and substituting therefor the words "any land whatsoever".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 260 CHAPTER 1126

AN ACT TO PROVIDE FOR RESERVES FOR LOSSES IN BUILDING AND LOAN OR SAVINGS AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Section 1. The gross earnings of every building and loan association or savings and loan association shall be ascertained at least semiannually. Before any such association shall apportion profits or declare dividends, the board of directors shall first deduct from the earnings a sufficient sum of money to meet the operating expenses of such association, all of which expenses shall be paid from earnings. The directors, after providing for the operating expenses, shall then transfer to a reserve fund which shall at all times be available to meet losses arising from any source whatsoever not less than ten per cent (10%) of the net earnings since the last apportionment of profits or declaration of dividends until such reserve for losses is at least five per cent (5%) of the outstanding shares of the association; and thereafter, if at any time such reserve for losses shall become less than five per cent (5%) of the outstanding shares of the association, then at least ten per cent (10%) of the net earnings shall be transferred thereto before the apportionment of any profits or the declaration of any dividends until said reserve fund is restored to five per cent (5%) of the outstanding shares of the association. The reserve fund herein provided is to be considered identical with, and not supplemental to the reserves required to be set up by an association insured by the Federal Savings and Loan Insurance Corporation.

Any profits not otherwise apportioned or set apart by the directors of the association shall be paid to or credited to the accounts of the shareholders semiannually in conformity with the bylaws of the association.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 262 CHAPTER 1127

AN ACT TO AUTHORIZE THE STATE HIGHWAY COMMISSION TO ACQUIRE IN FEE SIMPLE ITS RIGHT OF WAY.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 136-19, of the General Statutes, as the same appears in Volume 3B (Replacement 1958) of the General Statutes, by

adding in line 2 of said Section and following the words "to acquire" the phase "either in the nature of an appropriate easement or in fee simple."

Sec. 1-A. Amend Section 136-19 of the General Statutes, as the same appears in Volume 3B (Replacement 1958) of the General Statutes, by adding in line 9 of said Section a new sentence, following the words 'set out'. to read as follows:

'If any parcel is acquired in fee simple as authorized by this Section and the Commission later determines that the parcel is not needed for highway purposes, first consideration shall be given to any offer to repurchase made by the owner from whom said parcel was acquired or the heirs or assigns of such owner.'

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 264 CHAPTER 1128

AN ACT TO AUTHORIZE THE STATE HIGHWAY COMMISSION TO ACQUIRE ENTIRE LOTS, BLOCKS OR TRACTS OF PROPERTY AFFECTED BY HIGHWAY CONSTRUCTION.

The General Assembly of North Carolina do enact:

Section 1. Section 136-19, of the General Statutes, as the same appears in Volume 3B (Replacement 1958) of the General Statutes, is amended by adding at the end of the first paragraph of said Section, following the words "for working purposes", a new sentence to read as follows:

"The Commission may, in its discretion, with the consent of the landowner, acquire in fee simple an entire lot, block or tract of land, if by so doing, the interests of the public will be best served, even though said entire lot, block or tract is not immediately needed for right of way purposes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 265 CHAPTER 1129

AN ACT TO CLARIFY THE ISSUANCE BY THE STATE HIGHWAY COMMISSION OF SPECIAL PERMITS FOR VEHICLES OF EXCESSIVE SIZE OR WEIGHT.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-119, of the General Statutes, as it appears in Volume 1C (Recompiled 1953) of the General Statutes, by deleting in line 3 of said Section the words "for seasonal operations".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 266 CHAPTER 1130

AN ACT TO AMEND CHAPTER 1115 OF THE SESSION LAWS OF 1953 RELATING TO ADVISORY MEMBERS OF THE NEUSE RIVER WATERSHED AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1115 of the Session Laws of 1953 is amended by striking out in lines 11, 12, 13, 14, 15, 16 and 17 the words:

"Two nonvoting advisory members may be appointed from each county within the Neuse River Watershed area. Such members shall be appointed by the county commissioners of each county and the mayors of the towns within such county by joint action, and such nonvoting advisory members shall have all the rights and privileges of other members of the Authority but without a vote." and inserting in lieu thereof the following:

"Upon the recommendation of the Authority, the Governor shall appoint such number of nonvoting advisory members as may be recommended to him by the Authority."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 268 CHAPTER 1131

AN ACT RELATIVE TO THE RECOGNITION OF GAIN OR LOSS UPON RECEIPT OF DIVESTED STOCK PURSUANT TO ORDER ENFORCING THE ANTITRUST LAWS.

The General Assembly of North Carolina do enact:

Section 1. Article 4 of subchapter 1 of Chapter 105 of the General Statutes is hereby amended by inserting therein a new subsection to be designated G. S. 105-144.4 to read as follows:

"§ 105-144.4. Stock distribution pursuant to antitrust laws.

(a) Effect on distributees.

(1) General rule. If a corporation (referred to in this Section as the 'distributing corporation') distributes to a shareholder, with respect to its stock held by such shareholder, stock which, when distributed to the distributee, is divested stock (as defined in subsection (d) then no gain or loss shall be recognized to (and no amount shall be includible in the income of) such shareholder on the receipt of such divested stock.

(2) Non pro rata distribution, etc. Paragraph (1) shall be applied without regard to the following:

(A) whether or not the distribution is pro rata with respect to all of the shareholders of the distributing corporation, and

(B) whether or not the shareholder surrenders stock in the distributing corporation.

(3) Distributions to avoid federal income tax. Paragraph (1) shall not apply to any transaction one of the principal purposes of which is the distribution of the earnings and profits of the distributing corporation or of the corporation whose stock is distributed, or both (but the mere fact that either corporation has accumulated earnings and profits shall not be construed to mean that one of the principal purposes of the transaction is the distribution of the earnings and profits of either corporation, or both).

(4) Distribution involving gift or compensation. In the case of a distribution to which paragraph (1) applies, but which

(A) results in a gift, see § 105-188 et seq. of the General Statutes, or

(B) has the effect of the payment of compensation, see § 105-141 of the General Statutes.

(b) Basis of property acquired in distributions. If, by reason of subsection (a), gain or loss is not recognized with respect to the receipt of divested stock, then, under regulations prescribed pursuant to G. S. 105-262.

(1) if the divested stock is received by a shareholder without the surrender by such shareholder of stock in the distributing corporation, the basis of such divested stock and of the stock with respect to which it is distributed shall, in the distributee's hands, be determined by allocating the adjusted basis of the stock with respect to which the distribution was received between such stock and the divested stock received; or

(2) if the divested stock is received by a shareholder in exchange for stock in the distributing corporation, the basis of the divested stock shall, in the distributee's hands, be the same as the adjusted basis of the stock exchanged therefor.

(c) Allocation of earnings and profits.

(1) Allocation in certain corporate separations. In the case of a distribution or exchange under subsection (a) of stock in a controlled corporation, proper allocation with respect to the earnings and profits of the distributing corporation and the controlled corporation shall be made under regulations prescribed pursuant to G. S. 105-262.

(2) Definition of controlled corporation. For the purposes of paragraph (1), the term 'controlled corporation' means a corporation with respect to which at least eighty per cent (80%) of the total combined voting power of all classes of stock entitled to vote and at least eighty per cent (80%) of the total number of shares of all other classes of stock is owned by the distributing corporation.

(d) Definition of divested stock. For the purposes of this Section, the term 'divested stock' means stock which is

(1) the subject of a judgment, decree, or other order of a court or of a commission or board authorized to enforce compliance in a suit or other proceeding brought by the United States or such a commission or

board under the Sherman Act (26 Stat. 209, 15 U. S. C. Sec. 1-7, as amended) and the Clayton Act (38 Stat. 730, 15 U. S. C. Sec. 12-27, as amended), and

(2) distributed by the distributing corporation pursuant to a judgment, decree, or order entered after June 1, 1958, in such suit or proceeding, if such judgment, decree, or order

(A) directs the distributing corporation to divest itself of such stock,

(B) specifies and itemizes the stock to be divested,

(C) recites that such divestment is necessary or appropriate to effectuate the policies of the Sherman Act or the Clayton Act, or both, and

(D) recites that nonrecognition of gain pursuant to Section 1111 of the Internal Revenue Code of 1954 is required to reach an equitable judgment, decree, or order in such suit or proceeding."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall apply to any stock distribution pursuant to Antitrust Laws, as referred to herein, which occurs on or after January 1, 1959.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 386 CHAPTER 1132

AN ACT TO PROVIDE FOR STAGGERED TERMS OF OFFICE FOR MEMBERS OF THE BOARD OF EDUCATION IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 738 of the Session Laws of 1955 is hereby rewritten to read as follows:

"Sec. 4. In the general election to be held in the year 1960, five members shall be elected to the Board of Education of Nash County, three members to be elected for terms of four years each and two members to be elected for terms of two years each. The three candidates receiving the highest number of votes shall be declared elected for the four-year terms and the two candidates receiving the next highest number of votes shall be declared elected for the two-year terms. Provided, however, that if there is held a primary election in said county in the year 1960 in which five members of the board of education are nominated, and the five members nominated in said primary are the same as the five members elected in said general election of 1960, the three candidates receiving the highest number of votes in said primary shall, after the general election, be declared elected for the four-year terms and the two candidates receiving the next highest number of votes in said primary shall, after said general election, be declared elected for the two-year terms. In the event a tie vote makes it impossible to determine which candidate or candidates have been elected for the four-year terms, the tie shall be broken by the draw-

ing of lots. At the expiration of the terms of members elected in 1960, successors shall be elected for terms of four years each and until their successors are duly elected and qualified."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 454 CHAPTER 1133

AN ACT TO AMEND SECTION 4, CHAPTER 779 OF THE 1955 SESSION LAWS.

The General Assembly of North Carolina do enact:

Section 1. That Section 4 of Chapter 779 of the 1955 Session Laws be and the same is hereby rewritten to read as follows:

"Sec. 4. Whenever, in the judgment of the Judge of the Municipal Court, the need exists for a substitute judge, the Senior Resident Judge of the 18th Judicial District may appoint some competent person to act as substitute judge for periods of one calender week or more. The Judge of the Municipal Court may, for periods of less than one calendar week, appoint some competent person to act as substitute judge. Such orders appointing a substitute judge shall be entered and filed with the clerk and shall set forth the specific session or sessions of said court and the specific time for which said substitute judge shall serve, and for such period of time and such sessions specified, said substitute judge shall have the powers of the judge of said court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 476 CHAPTER 1134

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HALIFAX IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Halifax are hereby extended as follows: Beginning where the present boundary line intersects the right of way on the northeast side of Furgeson Street; thence along the right of way of said street South 48 degrees 15 minutes East 181 feet; thence South 43 degrees 00 minutes West 279 feet; thence South 47 degrees 00 minutes East 30 feet; thence South 55 degrees 09 minutes East 195 feet; thence South 07 degrees 03 minutes West 251 feet; thence South 71 degrees 26 minutes West 123 feet; thence South 77 degrees 36 minutes

West 114.3 feet; thence South 83 degrees 15 minutes West 284.1 feet; thence South 86 degrees 53 minutes West 83.7 feet to the eastern edge of the right of way of South Bradley Drive in Shaw Park; thence South 01 degree 45 minutes East 1067 feet along the present corporate limits to the eastern corner of the "Conigland House", now occupied by Jonas W. Avent.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 486

CHAPTER 1135

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF NEW HANOVER COUNTY, IN ITS DISCRETION, TO LEVY A TAX FOR THE CONSTRUCTION OF SHORE PROTECTIVE WORKS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of New Hanover County be, and it is hereby, authorized and empowered, in its discretion, to levy and cause to be collected annually, for the fiscal years 1959-1960 and 1960-1961, at the same time and in the same manner as the general county taxes are levied and collected, a special tax not to exceed five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said county, the same, when collected, to be applied and used to provide two-thirds of the non-Federal share, provided by the Federal Government under the provisions of Public Law 520, 71st Congress, Second Session, as amended; Public Law 71, 84th Congress; and Public Law 826, 84th Congress, Second Session, for the construction of shore protective works in New Hanover County. The appropriation and taxes for the purpose hereinbefore provided are hereby declared to be for a necessary expense and for a special purpose within the meaning of the Constitution of North Carolina, and for which the special approval of the General Assembly is hereby given. It shall be valid and binding without a vote of the majority of the qualified voters in New Hanover County. The authority hereby given shall be void and ineffective in the event Senate Bill 318 entitled "A Bill to be Entitled an Act to Authorize the Expenditure of Not to Exceed $150,000.00 Out of the Contingency and Emergency Fund for the Construction of Shore Protective Works.", or a substantially similar bill authorizing the State of North Carolina to participate in the construction of shore protective works, shall fail to be enacted by the 1959 General Assembly of North Carolina.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 803 **CHAPTER 1136**

AN ACT TO AMEND G. S. 28-173 RELATING TO THE APPLICATION OF AMOUNTS RECOVERED IN ACTIONS FOR WRONGFUL DEATH.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of G. S. 28-173 is amended by inserting after the comma following the word "deceased" and before the word "but" in line nine of said paragraph the words "and reasonable hospital and medical expenses not exceeding five hundred dollars ($500.00) incident to the injury resulting in death; provided that all claims filed for such services shall be approved by the Clerk of the Superior Court and any party adversely affected by any decision of said clerk as to said claim may appeal to the Superior Court in term time."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1024 **CHAPTER 1137**

AN ACT TO REVISE AND REORGANIZE THE CHARTER OF THE CITY OF GREENSBORO, AND TO AMEND THE FOLLOWING SECTIONS OF THE GENERAL STATUTES OF NORTH CAROLINA: G. S. 143-129; G. S. 147-8; G. S. 147-9; G. S. 160-181.1; G. S. 105-387 (a); and G. S. 160-452.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Greensboro is hereby revised and reorganized to read as follows:

CHAPTER I. ORGANIZATION AND POWERS

SUBCHAPTER A. INCORPORATION: CORPORATE POWERS AND THEIR EXERCISE

Section 1.01. Incorporation and Corporate Powers.

The City of Greensboro shall continue to be a body politic and corporate by the name of "City of Greensboro." Under that name the city continues to be vested with all property and rights of property which now belong to the corporation; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract and be contracted with; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it, and from time to time may hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this charter all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Sec. 1.02. Exercise of Power.

All powers, functions, rights, privileges and immunities of the city, its officers, agencies, or employees, shall be carried into execution as provided by this charter or, if this charter makes no provision, as provided by ordinance or resolution of the city council, and as provided by the general laws of North Carolina pertaining to municipalities, and their officers, agencies, and employees.

SUBCHAPTER B. CITY BOUNDARIES

ARTICLE 1. EXISTING CITY BOUNDARIES

Sec. 1.21. Existing City Boundaries.

The corporate limits of the city shall be as follows until changed as provided by law:

BEGINNING at a point on the North line of Friendly Road and the South line of the corporate limits of Guilford College, said point being 200 feet West of the center line of Muir's Chapel Road, and running thence with the North line of Friendly Road in an easterly direction 2,100 feet, more or less, to Julius A. Coltrane's southeast corner, the southeast corner of the corporate limits of Guilford College; thence with the said corporate limits (North 08 degrees 84 minutes West as stated in the 1955 Session Laws of North Carolina in Chapter 210, page 163) North 07 degrees 06 minutes 30 seconds West as shown on plat of Briarwood Estates approximately 1,385 feet to a point, the northwest corner of lot number 12 of Briarwood Estates; thence South 87 degrees 00 minutes 10 seconds East 581.61 feet to a point, the northeast corner of lot number 13 of said Briarwood Estates; thence South 00 degrees 47 minutes 02 seconds West 950 feet, more or less, to a point in Dr. J. N. Caudle's East line, said point being 250 feet as measured perpendicularly from the center line of Friendly Road; thence in a northeasterly direction parallel with and 250 feet from the center line of Friendly Road approximately 1,590 feet to a point 250 feet West of the center line of Westridge Road; thence in a northeasterly direction parallel with the center line of Westridge Road about 370 feet to a point in the northern boundary of the First Baptist Church property; thence North 84 degrees 43 minutes West 35 feet, more or less, to a point; thence South 86 degrees 41 minutes West 230.99 feet to an iron pipe, the northwest corner of the First Baptist Church property; thence North 76 degrees 49 minutes 30 seconds West 71.54 feet to an iron pipe; thence South 87 degrees 43 minutes 30 seconds West 175.0 feet to an iron pipe in the eastern margin of Jefferson Road, said iron pipe being 664.71 feet in a northern direction from the northeastern corner of Friendly Road and Jefferson Road; thence North 00 degrees 41 minutes West with the eastern margin of Jefferson Road 450.02 feet to an old iron pipe, said point being the southwest corner of Thomas T. Lambeth's property; thence North 87 degrees 44 minutes 08 seconds East 399.8 feet with Lambeth's southern line to an iron pipe; Ruby C. Barry's southwest corner; thence South 64 degrees 47 minutes East 265 feet, more or less, with Ruby C. Barry's southern line to a point, said point being 250 feet in a northwestern direction from the center line of Westridge Road; thence in a northeasterly

direction parallel with the center line of Westridge Road 4,500 feet, more or less, to a point in the southern line of lot number 32 of Friendly Acres; thence South 85 degrees 03 minutes West 220 feet, more or less, to the southwest corner of said lot number 32 of Friendly Acres; thence North 89 degrees 59 minutes 10 seconds West 1,024.31 feet to an iron pipe; thence North 68 degrees 27 minutes 30 seconds West 1,837.16 feet to an iron pipe; thence North 07 degrees 40 minutes 30 seconds East 692.19 feet to an iron pipe; thence South 89 degrees 36 minutes East 866.54 feet to an iron pipe; thence North 41 degrees 36 minutes 50 seconds East 415.03 feet to an iron pipe; thence South 48 degrees 10 minutes 30 seconds East 113.66 feet to an iron pipe; thence North 05 degrees 48 minutes East 465.41 feet to an iron pipe; thence North 80 degrees 18 minutes West 329.66 feet to an iron pipe; thence North 00 degrees 18 minutes West 432.66 feet to an iron pipe; thence North 88 degrees 29 minutes 30 seconds East 809.29 feet to an iron pipe; thence South 05 degrees 05 minutes 30 seconds West 772 feet to an iron pipe; thence South 05 degrees 46 minutes 20 seconds West 657.27 feet to an iron pipe; thence South 85 degrees 12 minutes 20 seconds East 1,058.97 feet to an iron pipe; thence North 01 degree 57 minutes East 33.62 feet to an iron pipe; the northwest corner of lot number 35 of Friendly Acres; thence South 54 degrees 05 minutes East 710 feet, more or less, to a point in the northern line of said lot number 35 of Friendly Acres; said point being 250 feet as measured perpendicularly in a northwestern direction from the center line of Westridge Road; thence in a northeastern direction parallel with the center line of Westridge Road 1,130 feet, more or less to a point in the southern line of Westridge Heights Subdivision; thence North 86 degrees 55 minutes West approximately 750 feet to a point; thence North 02 degrees 07 minutes East approximately 1,500 feet to a point in the Starmount Company line; thence South 87 degrees 53 minutes East 1,104 feet to an iron pipe, the northwest corner of lot number 2, block B, of the Westridge Heights Subdivision; thence continuing South 87 degrees 53 minutes East 130 feet, more or less, to a point in the northern line of lot number 1, block B, of Westridge Heights Subdivision, said point being 250 feet westwardly from the center line of Westridge Road and 168.85 feet northwardly from the northern property line of Pinetop Road; thence in a northern and northeastern direction parallel with the center line of Westridge Road 3,690 feet, more or less, to a point in the MacMillan property, 250 feet southwest of the center line of Whitehurst Road; thence in a northwestwardly direction parallel with and 250 feet from the center line of Whitehurst Road, approximately 1,623 feet to a point in the Davis-Chapman property line; thence with the Davis-Chapman line, 235 feet, more or less, to the southern edge of the Whitehurst Road right-of-way line; thence with the southern margin of Whitehurst Road (the Caffey line) North 84 degrees 47 minutes West, approximately 2,000 feet to an iron pin, Starmount corner; thence North 4 degrees 49 minutes West 10 feet to an iron pin; thence North 25 degrees 39 minutes East along the Starmount-Caffey line, 438.15 feet to an iron pin; thence South 88 degrees 35 minutes East 33.40 feet to an iron pin; thence North .01 degree 28 minutes West 444.3 feet along the Starmount-Caffey line to an iron pin;

thence along the Caffey line North 89 degrees .01 minutes East 526.3 feet to an iron pin; thence along the Caffey-Guilford Recreational Club line, North 0 degrees 15 minutes West 1,456.50 feet to an iron pin; thence with the Caffey line South 85 degrees 43 minutes East 631.0 feet to an iron pin; thence North 01 degree 33 minutes East, 112.38 feet to an iron pin in the Caffey-Star line; thence with the Caffey-Star line and crossing U. S. Highway No. 220 North 70 degrees 00 minutes East 468.94 feet to a point in the northeastern margin of U. S. Highway No. 220 right-of-way; thence in a southeastwardly direction parallel with and 50 feet from the center line of U. S. Highway No. 220 South 44 degrees .02 minutes East approximately 3,315 feet to a point on the northeast right-of-way line of U. S. Highway No. 220, said point being 250 feet measured perpendicular from the center line of Westridge Road; thence in a northeastwardly direction perpendicular with the center line of the Southern Railway approximately 400 feet to a point 50 feet East of the center line of the Southern Railway; thence parallel with the center line of the Southern Railway North 13 degrees 59 minutes West approximately 3,200 feet to the South line of the Guilford Battleground National Park property; thence with the line of said park property South 87 degrees 17 minutes 45 seconds East 583.75 feet to a marble monument; thence South 07 degrees 48 minutes 15 seconds West 109.80 feet to a marble monument; thence South 86 degrees 41 minutes 45 seconds East 249.00 feet to a marble monument; thence North 01 degree 00 minutes East 119.57 feet to a marble monument; thence South 88 degrees 58 minutes 30 seconds East approximately 629.51 feet to Monument Circle; thence around the outside of said circle in a counterclockwise direction to the East edge of a road leading North; said road being along the East boundary of Guilford Battleground National Park property; thence with the East line of said road in a northerly direction 1,400 feet to the South line of New Garden Road; thence with the South line of New Garden Road in an easterly direction approximately 335 feet to the northeast corner of the property conveyed to the County of Guilford, North Carolina, by deed recorded in the office of Register of Deeds of Guilford County, N. C., in book 561, page 236; thence with the East line of said county property South 03 degrees 38 minutes West 1,156 feet to property belonging to City of Greensboro; thence with said city property North 88 degrees 41 minutes East 1,316.1 feet to an iron pipe; thence South 02 degrees 30 minutes West 106.4 feet to an iron pipe; thence South 85 degrees 55 minutes East 103.76 feet to the West line of Lawndale Drive Extension; thence South 05 degrees 11 minutes West 454.0 feet to a point; thence South 08 degrees 23 minutes East 417.83 feet to a point; thence North 88 degrees 01 minutes West 160.9 feet to a stone; thence South 02 degrees 21 minutes West 353.05 feet to an iron pipe; thence North 89 degrees 41 minutes West 377.25 feet to an iron pipe; thence South 02 degrees 01 minute 15 seconds West 1,062.95 feet to an iron pipe; thence North 88 degrees 04 minutes 40 seconds East 767.90 feet to the West line of Lawndale Road; thence southwardly with the West line of Lawndale Road approximately 531..27 feet to the City of Greensboro's corner; thence North 87 degrees 11 minutes 50 seconds West 325.90 feet to an iron pipe; thence South 01 degree 34 minutes East 1,416.13 feet; thence North 88

degrees 29 minutes West 72.53 feet to an iron pipe; thence South 09 degrees 33 minutes West 652.88 feet to an iron pipe; thence still with the city's property North 88 degrees 29 minutes West 573.93 feet to an iron pipe; thence South 00 degrees 53 minutes West approximately 361.9 feet to a point on the City of Greensboro's line, said point being 175 feet as measured perpendicular from the center line of Pisgah Church Road; thence in an easterly direction parallel with Pisgah Church Road approximately 1,850 feet to the West line of Lawndale Drive; thence with the West line of Lawndale Drive in a northwesterly direction approximately 25 feet to a point 200 feet as measured perpendicular from the center of Pisgah Church Road; thence in an easterly direction parallel with said Pisgah Church Road approximately 11,300 feet to the West line of Scotsdale Road; thence crossing Scotsdale Road to the northwest corner of lot number 89 of Jessie Wharton School Development; thence North 75 degrees 50 minutes East along the North line of lots number 89 through 75 of said development 449.69 feet to Gordon Road; thence crossing Gordon Road to the northwest corner of lot number 73; thence North 62 degrees 52 minutes East with the North line of lots number 73 through 65, 258.36 feet to the northeast corner of lot number 65; thence with the East line of lot number 65 in a southerly direction 60.00 feet to the northwest corner of lot number 64; thence North 62 degrees 52 minutes East along the North line of lots number 64 through 50, 253.6 feet to the West line of Randolph Road; thence with the West line of Randolph Road in a northwesterly direction to a point 300 feet as measured perpendicularly from the center of Pisgah Church Road; thence in an easterly direction parallel with Pisgah Church Road approximately 500 feet to a point on the extension of F. A. Setzer's West line (the West line of lot number 55 of Jessie Wharton School Development); thence along the extension of Setzer's line in a southerly direction approximately 100 feet to the northwest corner of lot number 55 of the said development; thence North 62 degrees 54 minutes East along the North line of lots number 55 through 45 to the southwest corner of lot number 40; thence North 7 degrees 16 minutes West with the West line of lot number 40, 37.29 feet to the northwest corner of lot number 40; thence North 84 degrees 44 minutes East with the North line of lot number 40, 240 feet to the West line of Church Street Extension; thence northwardly with the West line of Church Street Extension approximately 90 feet to a point on the extension of the North line of lot number 4 of L. J. Duffy property; thence along that line in an easterly direction about 250 feet to Mrs. Minnie Smith's West line; thence with Smith's West line southwardly to the North line of Pisgah Church Road; thence southwardly across Pisgah Church Road to a point in the South line of Pisgah Church Road, said point being eastwardly 200 feet measured at right angles from the center line of Church Street; thence southwardly parallel with the center line of Church Street approximately 3,000 feet to a point 200 feet North of the center line of Denny Road; thence eastwardly parallel to and 200 feet North of the center line of Denny Road and to its extension approximately 4,400 feet to the West line of Yanceyville Road; thence across Yanceyville Road in an eastwardly direction to a point in the East line of Yanceyville Road, said point being 200 feet northwardly from the

center line of Rankin Road as measured perpendicular to it; thence in an easterly direction parallel with Rankin Road approximately 3,050 feet to the East line of Summit Avenue; thence continuing eastwardly in the same direction 200 feet to a point; thence in a southerly direction parallel with the East line of Summit Avenue and 200 feet therefrom a distance of approximately 400 feet to the North line of Hanner Street; thence with the North line of Hanner Street and its extension in an eastwardly direction approximately 1,000 feet to a point 200 feet East of Martin Street; thence South 07 degrees 07 minutes West parallel with Martin Street approximately 1,350 feet to the northwest corner of lot number 21 of sheet number 2 of "Rankin Land"; thence in an easterly direction with the North line of lot number 21 approximately 185 feet to David Prevett's northwest corner; thence in an easterly direction with the North lines of David Prevett, R. E. Daney, and T. E. Sykes approximately 1,240 feet to T. E. Sykes' northeast corner on Bryson's line; thence with said Sykes' East line in a southerly direction approximately 270 feet to the North line of an alley, W. W. Lewis' southwest corner; thence in an easterly direction with W. W. Lewis' South line and an extension of his line approximately 750 feet to the East line of A. H. Nuckle's property; thence with Nuckle's East line in a southerly direction approximately 450 feet to Mrs. Samuel Welborn's northeast corner; thence in an easterly direction parallel with McKnight Mill Road approximately 700 feet to Annie A. Sykes' East line; thence with Sykes' East line in a southerly direction approximately 180 feet to the North line of McKnight Mill Road; thence continuing in a straight line across McKnight Mill Road to the South line of said road; thence with the South line of McKnight Mill Road in a westerly direction approximately 130 feet to the northwest corner of the J. H. Kellam Estate; thence with the West line of said Kellam Estate in a southerly direction approximately 1,080 feet to the J. H. Kellam corner in Dr. T. E. Sykes' North line; thence with Sykes' North line South 86 degrees 30 minutes East approximately 950 feet to a stone monument, Dr. T. E. Sykes' northeast corner; thence with Sykes' East line South 02 degrees 30 minutes West 2,178.66 feet to a cedar stake at the water line of North Buffalo Creek; thence continuing in the same direction to the center of North Buffalo Creek; thence with the present city limits line down Buffalo Creek as it meanders approximately 6,850 feet to Mildred F. Lewis' northwest corner on North Buffalo Creek; thence South 1 degree 45 minutes West 411.98 feet to an iron pipe; thence South 2 degrees 28 minutes West 208.0 feet to an iron pipe; thence North 88 degrees 39 minutes West 401.68 feet to an iron pipe; thence North 09 degrees 14 minutes 30 seconds West 56.85 feet to an iron pipe; thence South 84 degrees 02 minutes West 1,418.49 feet to an iron pipe at Alonzo Neal's northwest corner; thence South with Alonzo Neal's West line 250 feet to the northeast corner of the tract purchased by John R. Taylor and wife from Josephine Neal; thence with the eastern line of said tract South 10 degrees 04 minutes West 303.7 feet; thence South 23 degrees West 399 feet to a corner with Higgins; thence with Higgins' East line South 2 degrees West 561 feet to Higgins' corner; thence with Higgins' North line South 85 degrees 25 minutes East 610.7 feet to a corner; thence South 02 degrees 17 minutes

East 1,001.34 feet to a corner; thence South 84 degrees 05 minutes East 1,487.76 feet to a corner; thence with Higgins' East line South 04 degrees West approximately 1,200 feet to Ruby T. Davis' northwest corner; thence with Davis' North line in an easterly direction 238 feet to Davis' northeast corner; thence with Davis' East line South 03 degrees 00 minutes West 160 feet to Rufus Chavis' southwest corner; thence with Chavis' South line in an easterly direction about 485 feet to a stake, a corner with Mildred Lewis'; thence with Mildred Lewis' West line South 4 degrees 30 minutes West approximately 320 feet to the North line of Huffine Mill Road; thence with the North line of Huffine Mill Road in an easterly direction approximately 300 feet to a point on the extension of the northeast line of the Mt. Zion School property; thence South 17 degrees 38 minutes East approximately 60 feet to the northeast corner of the Guilford County Board of Education's property; thence with said school line South 17 degrees 38 minutes East 401 feet to Alfred H. Waddell's corner; thence with Waddell's line and the East line of the school property in a southerly direction approximately 200 feet to the North line of the J. Robert Landreth Subdivision; thence with the North line of said Subdivision North 89 degrees 32 minutes West approximately 180 feet to the northeast corner of lot number 14 of said Landreth subdivision; thence with the line between Lots 14 and 15 South 00 degrees 28 minutes West 200 feet; thence South 30 feet to the South line of Anderson Street; thence with the South line of Anderson Street in a westerly direction approximately 25 feet to the northwest corner of lot number 32; thence with the line between Lots 32 and 33 South 00 degrees 28 minutes West 230.52 feet to the South line of said Landreth Subdivision; thence North 87 degrees 00 minutes West approximately 70 feet to Rosa Lee McConnell's northeast corner; thence with said McConnell's East line South 05 degrees 32 minutes West 706.0 feet to Rosa Lee McConnell's Southeast corner on Lillian Murray's North line; thence with Murray's North line North 82 degrees 53 minutes West 277.5 feet to an iron pipe; thence with Lillian Murray's West line in a southerly direction approximately 310 feet to a stone at an angle point in said line; thence South 09 degrees 33 minutes West along Murray's line and the East line of Ward Heights Subdivision for approximately 1,070 feet to the northwest corner of the G. E. Pridmore property; thence with said Murray's South line in an easterly direction approximately 680 feet to R. W. Tucker's northeast corner; thence with Tucker's East line in a southerly direction approximately 220 feet to a point 300 feet as measured perpendicularly from the North line of East Market Street; thence in an easterly direction parallel with said East Market Street approximately 520 feet to W. A. Fryar's northwest corner; thence with Fryar's West line and its extension in a southeasterly direction approximately 500 feet to the center line of the Southern Railroad leading from Greensboro to Raleigh; thence with the center line of said railroad in a westerly direction approximately 3,640 feet to the East line of the Bessemer Sanitary District; thence with the Bessemer Sanitary District line South 3 degrees 41 minutes West approximately 880 feet to a corner; thence continuing with the Bessemer Sanitary District line North 86 degrees 18 minutes West 1,000 feet to a corner; thence continuing with

the Bessemer Sanitary District line South 3 degrees 41 minutes West 2,370 feet to a corner; thence continuing with the Bessemer Sanitary District line North 86 degrees 18 minutes West to a point 150 feet East of the East line of Lowdermilk Street; thence southwardly parallel with the East line of Lowdermilk Street to the North line of Holts Chapel Road; thence southwardly across Holts Chapel Road to the South line of Holts Chapel Road a corner between properties belonging to French P. Wise and Frances A. Wyrick; thence South 6 degrees 31 minutes East 346.09 feet to Wyrick's southwest corner in Heath's line; thence with Wise's South line North 84 degrees 30 minutes West 113 feet to Wise's southwest corner in Carter's line; thence with Carter's line South 3 degrees 45 minutes West about 640 feet to northwest corner of A & T College property; thence with said college property's West line South 0 degrees 24 minutes West 661.73 feet to a corner in Grandview Heights Subdivision as recorded in Plat Book 17, Page 50; thence with the East line of said subdivision South 04 degrees 08 minutes West about 1,850 feet to a point 200 feet South of the South line of McConnell Road as measured perpendicular thereto; thence westwardly 200 feet from and parallel with McConnell Road approximately 1,500 feet to the West line of Woodlawn Dairy Farm Subdivision; thence South 8 degrees West approximately 111 feet to a corner of lot number 19 of Woodlawn Dairy Subdivision; thence North 79 degrees 05 minutes West 114.3 feet to another corner of lot number 19; thence South 04 degrees 40 minutes West 760.5 feet to a stone, the southwest corner of said subdivision; thence with the North line of the Holder property South 84 degrees 57 minutes East 507.0 feet to a stone; thence South 84 degrees 22 minutes East 875.6 feet to a stone, Mrs. Mary Mitchell's northeast corner; thence with the West line of A & T College Farm in a southerly direction approximately 1,200 feet to the present city of Greensboro's corporate limit line; thence continuing with A & T College line and the City of Greensboro's East line in a southerly direction approximately 1,720 feet to the center line of South Buffalo Creek; thence up the creek approximately 7,000 feet to a point 200 feet West of the center of Willow Road; thence southwardly 200 feet West of and parallel with the center line of Willow Road approximately 3,150 feet to the South line of Alamance Road at a point 200 feet West of the center of Willow Road; thence in a westerly direction approximately 500 feet to Hase H. Smith's northwest corner; thence with Smith's West line South 01 degree 21 minutes West 1,465.63 feet to a stone; thence with A. Hoyle Hinkle's North line in a westerly direction approximately 200 feet to Hinkle's northwest corner; thence with Hinkle's West line in a southerly direction approximately 1,340 feet to the northeast line of Highway No. 421; thence crossing said highway to E. D. Holden's northeast corner; thence with Holden's East line South 34 degrees 20 minutes West 200 feet; thence in a westerly direction parallel with Highway No. 421 approximately 360 feet to a point which is 200 feet East of the center line of the Pleasant Garden Road as measured perpendicularly from it; thence in a southwesterly direction 200 feet from and parallel with the center line of the Pleasant Garden Road approximately 1,950 feet to the North line of property belonging to Eula Anthony et al; thence with said Anthony line

North 85 degrees 30 minutes West to the eastern margin of Pleasant Garden Road; thence North 85 degrees 30 minutes West across Pleasant Garden Road to a point on the West side of Pleasant Garden Road, Taylor's corner; thence with Taylor's South line North 85 degrees 30 minutes West about 2,700 feet to Taylor's corner; thence continuing with Taylor's line South 6 degrees 45 minutes West 722 feet to corner; thence continuing with Taylor's line South 86 degrees West 1,386 feet to Taylor's corner; thence with Taylor's line North 6 degrees 19 minutes West 564.78 feet to W. C. Pope's southeast corner; thence along Pope's South line North 85 degrees 53 minutes West approximately 1,800 feet to a point 200 feet East of the center line of South Elm Street; thence southwardly 200 feet from and parallel with the center line of South Elm Street to a point 200 feet South of the center line of Pinecrest Road if extended; thence in a westwardly direction 200 feet distant from and parallel with the center line of Pinecrest Road and its extension about 3,500 feet to a point 200 feet West of the center line of Randleman Road; thence northwardly parallel with the center line of Randleman Road to the South line of the E. D. Foushee Subdivision as recorded in Plat Book 5 page 407; thence along the South line of the E. D. Foushee Subdivision North 84 degrees West about 1,770 feet to southwest corner of said Foushee Subdivision; thence continuing a straight line North 84 degrees West about 1,800 feet to the northwestern side of U. S. No. 29; thence southwestwardly along the northwestern side of U. S. No. 29 about 3,000 feet to a point 175 feet southwardly from the center line of Rocky Knoll Road as measured perpendicular thereto; thence in a westerly direction parallel with Rocky Knoll Road approximately 4,500 feet to the East line of Pinecroft Road; thence crossing Pinecroft Road to a point 175 feet South of the center line of Freeman Mill Road as measured perpendicularly from it; thence in a southwesterly direction parallel with Freeman Mill Road approximately 3,700 feet to a point 175 feet from the center line of Davis Road; thence still in a southwesterly direction parallel with the center line of Davis Road and 175 feet therefrom for approximately 230 feet to a point 175 feet northeast of Twin Oak Drive, the northeast line of lot number 15 of J. W. Blackwelder's Subdivision; thence with the line of lot number 15, 150 feet to the East line of Davis Road; thence southwest with the East line of Davis Road to a point 175 feet southeast of the center line of Freeman Mill Road as measured perpendicular with it; thence in a westerly direction parallel with Freeman Mill Road approximately 4,440 feet to a point 250 feet West of the center line of Groometown Road; thence in a northerly direction parallel with Groometown Road approximately 3,670 feet to the South line of Forbes Drive; thence with the South line of Bowman Park Subdivision in a westerly direction approximately 75 feet to a point on the West line of lot number 106 of Bowman Park Subdivision extended; thence with that line in a northerly direction to the northeast corner of lot number 103; thence in a westerly direction with the South line of a street approximately 310 feet to the point of intersection with the East line of lot number 87 extended; thence with the East line of lots number 87 and 78, 400 feet to the South line of Oakvale Street; thence with the South line of said Oakvale Street in

a westerly direction to an intersection with the East line of lot number 50 of Bowman Park Subdivision extended; thence with that line in a northerly direction 250 feet to Elliston Street; thence with the South line of Elliston Street in an easterly direction to a point 250 feet from the West property line of Groometown Road; thence in a northwesterly direction parallel with Groometown Road approximately 380 feet to E. R. Ward's southeast corner; thence with the South line of lot number 20 of said Bowman Park Subdivision in a westerly direction to E. R. Ward's southwest corner; thence in a northerly direction to the northeast corner of lot number 4 of Bowman Park Subdivision; thence with the North line of lot number 4 in a westerly direction 200.2 feet to the East line of High Point Road; thence with the East line of High Point Road in a southerly direction to an intersection with the South line of Lot 79 of Scales-Bernau Place Subdivision extended East across High Point Road; thence North 64 degrees 14 minutes West across the High Point Road to the southeast corner of Lot 79 of the Scales-Bernau Place Subdivision; thence with the South line of Lots 79 through 95, inclusive, of said subdivision North 64 degrees 14 minutes West 2,029 feet to Helen T. Jamison's East line; thence in a southerly direction approximately 35 feet to the North line of Lot 123 of a resubdivision of Carlisle Estates as recorded in Book 19, page 59 in the Register of Deeds Office of Guilford County; thence with the North line of lot number 124 North 89 degrees 22 minutes West 249.50 feet to the East line of Fairfax Road; thence continuing on the same line 50 feet to the West line of said road; thence northwardly with the West line of Fairfax Road approximately 262 feet to the southeast corner of lot number 2 of said resubdivision of Carlisle Estate; thence North 83 degrees 49 minutes West 436.46 feet to the southwest corner of lot number 18 of said resubdivision of Carlisle Estates; thence with the West line of lot number 18 North 06 degrees 20 minutes East 93.57 feet to the southeast corner of lot number 132 of Carlisle Estates as recorded in the office of the Register of Deeds of Guilford County, N. C., in Book 8, page 35; thence North 83 degrees 49 minutes 46 seconds West 597.88 feet to the southwest corner of Lot 129 of said Carlisle Estates; thence South 6 degrees 10 minutes 14 seconds West approximately 300 feet to W. R. Campbell's southeast corner; thence with Campbell's South line in a westerly direction approximately 200 feet to W. R. Campbell's southwest corner; thence with Campbell's West line in a northerly direction approximately 100 feet to Herman W. House's southeast corner, the southeast corner of lot number 9 of S. S. Hurt Estate recorded in Plat Book 14, page 54; thence with the South line of Lots 9 through 26 North 84 degrees 12 minutes West 700.71 feet to the southwest corner of lot number 26 of S. S. Hurt Estate; thence crossing the Southern Railroad in a northwesterly direction to the southeast corner of lot number 132 of Hill Top Heights as recorded in the office of the Register of Deeds of Guilford County, N. C., in Plat Book 19, page 12; thence with the South line of Lots 132 through 149 North 51 degrees 26 minutes West 461.8 feet to the East line of Roediger Road; thence across Roediger Road in a westerly direction 60 feet to the southeast corner of lot number 150; thence with South line of Lots 150 through 157 of Hill Top Heights North 51 degrees 26 minutes West 200 feet to the southeast corner of lot number 158;

thence North 50 degrees 09 minutes West 124.37 feet to the southwest corner of lot number 162; thence South 81 degrees 07 minutes 30 seconds West 30.00 feet to the southeast corner of lot number 166; thence North 08 degrees 52 minutes 30 seconds East 98.28 feet to the South corner of lot number 36; thence with the East line of lot number 36 of Hill Top Heights and its extension North 23 degrees 50 minutes 30 seconds East 561.72 feet crossing Hill Top Road to a point in the Pomona Terra Cotta Company's property; thence in a northwesterly direction across said property approximately 1,940 feet to the southwest corner of a tract of land belonging to Pomona Terra Cotta Company as recorded in Deed Book 974, page 40; thence along said Pomona Terra Cotta Company's West line North 5 degrees 52 minutes East 1,845.19 feet; thence North 27 degrees 03 minutes East 215 feet; thence North 60 degrees 04 minutes West 263.95 feet; thence North 60 degrees 25 minutes West 198.38 feet; thence North 16 degrees 05 minutes East 350.78 feet; thence South 83 degrees 07 minutes East about 550 feet to a point 1,000 feet East of the center line of Stanley Road; thence northwardly parallel with the center line of Stanley Road about 2,800 feet to the North right-of-way line of U. S. No. 421; thence northwestwardly along the North right-of-way line of U. S. No. 421 approximately 1,500 feet to a point 200 feet northwardly from the center line of Deep River Church Road as measured perpendicular thereto; thence eastwardly along a line 200 feet distant from and parallel to the center line of Deep River Church Road (Red Road) about 8,200 feet to the East line of property belonging to Worth Williams as recorded in Deed Book 1574, page 289; thence along William's East line and its extension North 0 degrees 50 minutes East about 950 feet to the center line of the Southern Railway; thence along the center line of the Southern Railway in a westerly direction about 1,600 feet to a point where the rear lot line of lots number 111 to 157 inclusive on the West side of Manley Avenue of the A. W. Edwards Subdivision as recorded in Plat Book 8, page 51, if extended, intersects the center line of the Southern Railway; thence North 08 degrees 21 minutes West along the above-said rear lot lines if extended about 2,150 feet to a point 200 feet North of the center line of the Winston-Salem Road; thence eastwardly parallel to Winston-Salem Road to a point 200 feet West of the center line of Muirs Chapel Road as measured perpendicular thereto; thence northwardly parallel to and 200 feet West of the center line of the Muirs Chapel Road about 8,000 feet to the North line of Friendly Road, the point of beginning.

ARTICLE 2. EXTENSION OF CITY BOUNDARIES

Sec. 1.31. Extension of City Boundaries. The General Statutes of North Carolina shall govern all extensions of the city boundaries.

SUBCHAPTER C. CHARTER AMENDMENTS.

Sec. 1.61. Incorporation of Amendments. (a) As soon as possible after the adjournment of each General Assembly, the city attorney shall present to the city council copies of all local laws relating to the property, affairs and government of the City of Greensboro that were enacted by such

General Assembly, whether or not amending in terms this charter, which he recommends be incorporated into this charter. Such recommendations may include suggestions for renumbering or rearranging the provisions of such laws, for providing titles and catchlines, and for such other changes in arrangement and form that do not change the law as may be thought necessary to implement the purposes of this Section.

(b) After considering the recommendations of the city attorney, the city council may provide for the incorporation of such laws into this charter.

(c) The purpose of this Section is to enable the city to maintain at all times a current and accurate city charter, organized in clear and orderly fashion, and embracing all pertinent local laws relating to the property, affairs and government of the city.

CHAPTER II. NOMINATIONS AND ELECTIONS

SUBCHAPTER A. REGISTRATION

Sec. 2.01. Registration for City Election. Chapter 847 of the Session Laws of 1953, as amended, shall govern the conduct of registration for all city elections, including primaries, but bond elections may be held according to the provisions of the Municipal Finance Act.

SUBCHAPTER B. NOMINATIONS

Sec. 2.21. Nomination of Candidates for City Council. (a) All candidates for city council shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in the primary. The primary election shall be held on the second Monday preceding a general municipal election. The judges, registrars and other election officers appointed by the county board of elections for the general municipal elections shall, whenever practical, be judges of the primary election, and it shall be held at the same place, in the same manner, under the same rules and regulations, and subject to the same conditions, and the polls shall be opened and closed at the same hours, as are required for the general election. Any person desiring to become a candidate for nomination for the office of councilman shall, not later than five o'clock P. M. of the tenth day preceding the day of the primary election, file with the city clerk a statement of his candidacy in substantially the following form:

"State of North Carolina
County of Guilford

I, ..., being first duly sworn, say that I reside at No. ..... Street, City of Greensboro, County of Guilford, State of North Carolina and that I am a candidate for nomination to the office of councilman to be voted upon at the primary election to be held on ..... Monday of ....., 19..... I hereby request that my name be printed upon the official ballot for nomination.

Signed.....

Subscribed and sworn to (or affirmed) before me by .....
..... on this ..... day of .....,
19.....

Signed.....;"

and shall at the same time pay to the city clerk, to be turned over to the city treasurer, the sum of five dollars ($5.00) without the right to a refund.

(b) Immediately upon the expiration of the time for filing the statements of candidates, the city clerk shall cause to be published, for three successive days in all daily newspapers published in the city which are qualified to carry legal notices, the names of the persons as they are to appear upon the primary ballots; and the city clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature, unless voting machines are used. Upon the ballots the names of the candidates for councilman, arranged alphabetically, shall first be placed with a square at the left of each name and, immediately below the words "Vote for 7."

(c) If paper ballots are used, the ballots shall be printed upon plain white paper, and shall be headed:

"Candidates for nomination for councilmen of City of Greensboro, North Carolina, at the primary election" but shall have no party designation or mark. The ballots shall be in substantially the following form:

"(Place a cross in the square preceding the names of the persons you favor as candidates for the respective positions).

Official primary ballot, candidates for nomination for councilmen (and other offices, naming them), of the City of Greensboro, North Carolina at the primary election.

For Councilmen (name of candidates) (vote for 7)

Official Ballot .....ATTEST: Signature .....

(CITY CLERK)"

(d) If paper ballots are used, the city clerk shall cause to be delivered at each polling place a number of ballots equal to 5 per cent greater than the number of persons registered in the precinct. The persons who are qualified to vote at the succeeding general municipal election shall be qualified to vote at the primary election.

(e) The primary election shall be conducted and the returns shall be canvassed in the manner provided by subchapter C of this Chapter with respect to the general municipal election. After the returns are canvassed, the city clerk shall make and publish in all daily newspapers of the city, at least once, the result thereof.

(f) The fourteen persons receiving the highest number of votes for councilmen shall be the candidates in the general municipal election. If there shall be an equal number of votes for two or more persons, and the resulting tie must be resolved in order to determine the identity of the candidates in the general election, there shall be held three days after the date of the primary a runoff primary election for nomination of candidates in accordance with the provisions for holding the original primary.

(g) If there be not more than fourteen candidates for councilmen, then it shall not be necessary to hold a primary, but all candidates for councilmen shall be nominated.

(h) The clerk shall place on the election ballot the names of those persons determined to be the candidates pursuant to the provisions of this Section.

SUBCHAPTER C. GENERAL ELECTIONS

Sec. 2.41. Election of City Councilmen.

(a) On the first Tuesday after the first Monday in May, biennially and in odd years, there shall be elected seven councilmen, who together shall constitute the city council, deem necessary for the convenience of the voters.

(b) The members of the city council shall be nominated and elected from and by the voters of the city at large, and the nominations and elections shall be nonpartisan.

Sec. 2.42. Form of Ballots.

If paper ballots are used, the city clerk shall cause ballots to be printed for each precinct, authenticated with a facsimile of his signature. Upon the ballots the names of the candidates for councilmen, arranged alphabetically, shall first be placed, with a square at the left of each name and immediately following the words "Vote for 7." The ballots shall be printed cn plain, white paper and shall be headed:

"Candidates for election for councilmen of the City of Greensboro, North Carolina, at the general municipal election," but shall have no party designation or mark. The ballots shall be in substantially the following form:

"Place a cross in the square preceding the names of the parties you favor as candidates for councilmen.

Official municipal ballots, candidates for councilmen of the City of Greensboro, North Carolina, at the municipal election.

For councilmen (name of candidates) (vote for 7).

Official ballot ..... ATTEST: Signature.....

CITY CLERK"

Sec. 2.43. Conduct of Elections; Counting of Ballots; Canvassing of Results.

(a) The registrar and judges of election shall be appointed by the county board of elections, and shall open the polls and superintend the same until the close of elections. The polls shall open and close at the same hours provided for primary and general elections by Chapter 163 of the General Statutes.

(b) At the end of the election, in each precinct the polls shall be closed, the ballot boxes opened, unless voting machines are used, and the ballots counted by or under the supervision of the registrar and judges of the election in the manner provided for with respect to general elections by Chapter 163 of the General Statutes.

(c) The registrar shall attend the meeting of the board of canvassers as a member thereof. When the results of the counting of the ballots have been ascertained, the results shall be embodied in a duplicate state-

ment to be prepared by the registrar and judges on forms furnished by the city clerk and certified to by him. One of the statements of the voting in the precinct shall be placed in a sealed envelope and presented by the registrar at the meeting of the board of canvassers. The other duplicate statement shall be mailed by one of the other precinct election officers to the city clerk immediately after the vote count has been completed on election night.

(d) The members of the board of canvassers shall meet at 11:00 A. M. on the second day next after the election at the city hall. The board shall organize by the election of one of its members as chairman and one as secretary. Any member of the board who fails to deliver the certified returns from his precinct by 12:00 Noon on the day of the board meeting shall be guilty of a misdemeanor, unless for illness or good cause shown for such failure. If any precinct returns have not been received by the board by 12:00 Noon on the first day of this meeting, or if any returns are incomplete or defective, it shall have authority to dispatch an officer for the purpose of securing the proper returns for the precinct.

(e) The board of canvassers shall, at their meeting, in the presence of such electors as choose to attend, open, canvass, and judicially determine the results, and shall make abstracts, stating the number of legal ballots cast in each precinct, the name of each candidate for councilman voted for and the number of votes given to each candidate, and shall sign the abstracts in duplicate with their certificates as to the correctness of the abstracts. It shall have power and authority to pass upon judicially all the votes relative to the election and judicially determine and declare the results of the same; to send for papers and persons and examine the latter upon oath; and to pass upon the legality of any disputed ballots transmitted to them by any precinct officer.

(f) The seven candidates receiving the highest number of votes for each of the positions of councilmen shall be declared elected councilmen of the city at large. If there shall be an equal number of votes for two or more candidates, and the tie must be resolved in order to determine the identity of the elected councilmen, the result shall be determined by the drawing of lots to be conducted by the council. When a name is written in on the official ballot, the new name so written in is to be treated like any other name on the ballot, if the person whose name is written in is qualified to serve on the city council. Write-in votes shall not be counted in a primary election, however.

(g) The board of canvassers shall transmit one copy of the certified abstract of the results to the mayor and shall file the other copy, together with the original precinct return, with the city clerk. The clerk shall publish the results of the election at the door of the city hall.

Sec. 2.44. Statement of Expenses by Candidates.

Every candidate in the city election, city primary, or both shall, within ten days from the election file with the city clerk an itemized statement under oath showing all expenditures of money or other things of value made by him, or by anyone for him to his knowledge, in connection with or in any way for the purpose of promoting or aiding his candidacy;

and any person failing to comply with the provisions of this Section shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Sec. 2.45. Failure of Council to Give Notice of Election.

If the council shall fail to give notice of elections, or to hold or declare the same, each of them as shall be in fault shall forfeit and pay for the equal benefit of the city, and of him who shall sue therefore, one hundred dollars ($100.00).

Sec. 2.46. Applicable General Statutes Provisions.

In addition to the provisions set forth in this Chapter, elections in the city shall be governed by and conducted in accordance with the pertinent provisions of the "Australian Ballot Law" and the "Corrupt Practices Act of 1931" (respectively Articles 20 and 21 of Chapter 163 of the General Statutes).

SUBCHAPTER D. OTHER ELECTIONS

ARTICLE 1. SPECIAL ELECTIONS

Sec. 2.61. Authority of City Council to Call Special Elections.

The council shall have the power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, or for any other purpose expressly authorized by law. No special election shall be held for any purpose unless notice is published once each week for four successive weeks in some newspaper published in the city which is qualified to carry legal notices, or if there be no such newspaper, by posting in three public places in the city, unless expressly provided to the contrary. Registrations made and elections held under the authority of the Municipal Finance Act shall be called, conducted, and canvassed as provided by said Act, and initiative, referendum and recall elections shall be governed by Article 2 of this subchapter. All other special elections shall be held under the same rules and conditions as are provided in this Chapter for general elections.

Sec. 2.71. Powers of Initiative, Referendum and Recall.

(a) (1) The voters of the city shall have power, except as provided in paragraph (2) of this subsection, to propose ordinances to the city council. If the council rejects an ordinance proposed hereunder or passes it with amendment, the voters shall have power to approve or reject the proposed or amended ordinance at the polls. These powers comprise the initiative power.

(2) The initiative shall not extend to the proposing of: any part or all of the annual budget; or any ordinance making or repealing any appropriation of money, fixing the salaries of city officers or employees, or authorizing or repealing the levying of taxes.

(3) Voters seeking to propose an ordinance subject to initiative shall proceed by way of initiative petition addressed to the council and containing the full text of the proposed ordinance. Any initiative petition must be filed with the city clerk and must be signed by qualified voters of the city equal in number to at least 25% of the qualified voters of the city who voted at the last preceding election for city council members.

(b) (1) The voters of the city shall have power, except as provided in paragraph (2) of this subsection, to require reconsideration by the council of any adopted ordinance, including any ordinance initiated under subsection (a) of this Section and adopted by the council. If the council fails to repeal an ordinance which it has been required to reconsider, the voters shall have power to approve or reject that ordinance at the polls. These powers comprise the referendum power.

(2) The referendum power shall not extend to any part or all of the annual budget or the property tax levied therein; to any ordinance making or repealing any appropriation of money or fixing the salary of any officer or employee; or to any repealing ordinance adopted by the council in compliance with a referendum petition.

(3) Voters seeking a referendum on any ordinance shall proceed by way of a referendum petition addressed to the council, identifying the ordinance concerned and requesting that it be either amended, repealed, or referred to the voters of the city. Any referendum petition must be filed with the city clerk within 30 days after adoption by the council of the ordinance concerned and must be signed by qualified voters of the city equal in number to at least 25% of the qualified voters of the city who voted at the last preceding election for city council members.

(c) (1) The voters of the city shall have the power, which shall be known as the recall power, to remove from office any member of the city council.

(2) Voters seeking the recall of any member of the council shall proceed by way of a recall petition addressed to the council, identifying the council member concerned, requesting his removal from office and stating the grounds alleged for his removal. Any recall petition must be filed with the city clerk and must be signed by qualified voters of the city equal in number to at least 25% of the qualified voters of the city who voted at the last preceding election for city council members.

Sec. 2.72. Petitioners' Committee.

In each initiative, referendum, or recall petition there shall be named a petitioners' committee representing all the petitioners and composed of five members who shall be qualified voters of the city and signers of the petition concerned. The petitioners' committee shall be responsible for circulation of the petition and for its assembling and filing in proper form. The committee may also amend or withdraw its petition as provided in this Article.

Sec. 2.73. Initiative, Referendum and Recall Petitions: Form and Sufficiency.

(a) Initiative, referendum and recall petitions shall be governed by the rules regarding form and sufficiency set out in this Section, as well as by such other rules regarding form and sufficiency as the city council may impose by ordinance consistent with the provisions and with the spirit and purpose of this charter.

(b) The signatures to a petition shall be executed in ink or indelible pencil and need not all be affixed to one paper, but all papers of a petition shall be of uniform size and style and shall be assembled as one instrument

for filing with the city clerk. Each signature shall be followed by the address of the signer. Petitions or petition papers which reasonably comply with these requirements shall be accepted by the clerk without delay upon presentation and their filing shall be completed by his acceptance. Noncomplying petitions or papers may be rejected by the clerk until they are brought into reasonable compliance.

(c) The clerk shall not accept any petition until it indicates: (1) by name and address, the five petitioners who constitute the petitioners' committee for that petition and (2) the address to which all notices for the petitioners' committee are to be sent.

(d) Any petition shall be certified or determined insufficient which: (1) is validly signed by less than the required number of qualified voters of the city, (2) proposes, or requests repeal of, an ordinance not subject to the power under which the petitioners are proceeding, (3) if a referendum petition, is not filed within the time allowed, or (4) if a recall petition, seeks the removal of an official not subject to recall hereunder.

(e) No signature on a petition paper shall be counted in support of the petition involved if that paper (1) being part of an initiative petition, has not contained or had attached to it throughout its circulation the full text of the proposed ordinance, (2) being part of a referendum petition, has not contained throughout its circulation a clear, concise designation and description of the ordinance concerned, or (3) being part of a recall petition has not contained or had attached to it throughout its circulation a copy of the recall petition identifying the council member concerned and stating the grounds alleged for his removal.

(f) No signature on a petition paper shall be counted in support of the petition involved if that paper at the time of filing, does not have attached to it an affidavit, executed by the circulator of that paper, to the effect: (1) that he personally circulated the paper; (2) that each signature on the paper was affixed in his presence; (3) that he believes each signature to be the genuine signature of the person whose name it purports to be; (4) if an initiative petition is concerned, that the full text of the proposed measure was attached to or contained in the accompanying paper throughout its circulation, and that each signer of the accompanying paper had an opportunity before signing to read the full text of the ordinance attached; and (5) if a referendum petition is concerned, that each signer of the accompanying paper had an opportunity before signing to read the designation and description of the ordinance in question; and (6) if a recall petition is concerned, that a copy of the recall petition was attached to or contained in accompanying paper throughout its circulation, and that each signer of the accompanying paper had an opportunity before signing to read the full text.

(g) Upon receipt of a petition that complies with the requirements of subsections (b) and (c) of this Section, the clerk shall examine the petition to determine whether, on its face, it is insufficient under paragraphs (1), (2) or (3) of subsection (d). If he finds the petition insufficient on its face for any of these reasons, he shall so certify to the city council at the next regular council meeting occurring not sooner than five days

after the filing of the petition, and the determination shall be subject to review in the manner provided in subsection (d) of Section 7.75. If he does not find the petition insufficient for these reasons, the clerk shall determine which signatures on the petition papers may be counted in support of the petition under subsections (e) and (f). He shall then clearly mark the signatures that may be so counted. Within ten days after the filing of the petition he shall deliver the petition papers with signatures marked to the Guilford County Board of Elections for a checking of the marked signatures against the registration books. The Board of Elections shall complete its check within 15 days after receipt of the petition papers; except that the said board shall not be obligated to conduct a check in any 30-day period immediately preceding, or in any 10-day period immediately following, a county-wide or city-wide election. Upon completion of its check, the Board of Elections shall forthwith certify to the city clerk: (1) the total number of registered voters of the city at the time of the most recent election of members of the city council; and (2) the number of voters registered in the city whose signatures, marked by the clerk, appear on the petition papers that the board found it necessary to examine. If it was found unnecessary to check all names on the petition papers, this fact shall be indicated on the certificate. The petition papers shall be returned to the city clerk by the Board of Elections together with its certificate.

Sec. 2.74. Referendum Petitions: Suspension of Ordinance after Filing.

When, within the time allowed, a referendum petition is filed with the city clerk, the ordinance to which that petition is directed shall immediately be and shall remain suspended from taking effect. This suspension shall terminate when, in accordance with this Article: (1) a final determination is made that the petition concerned is insufficient, or (2) the petitioners' committee withdraws the petition, or (3) the council reconsiders the ordinance and repeals it without modification.

Sec. 2.75. Initiative, Referendum and Recall Petitions; Procedure after Filing.

(a) Within five days after the return of the petition papers by the county board of elections, the city clerk shall complete a certificate as to whether the petition is sufficient. If the clerk certifies a petition insufficient, his certificate shall show the particulars wherein the petition is defective. As soon as he has completed his certificate, the clerk shall notify the committee of petitions of the contents of the certificate. If a petition is certified sufficient, the clerk shall present his certificate to the city council at its next meeting and that certificate shall be a final determination as to the sufficiency of the petition. If a petition certified sufficient is a recall petition, the clerk shall also give written notice of the action taken to the council member whose removal is sought. If a petition is certified insufficient under Section 7.72 (d) (1), a majority of the committee of petitioners may elect to amend the petition; but if a majority does not so elect to amend the petition, the clerk shall present his certificate to the council at its next meeting and that certificate shall be a final determination as to the sufficiency of the petition.

(b) If a majority of the committee of petitioners elects to amend the petition, then within ten days after notice of the contents of the clerk's certificate, the committee may file, for purposes of amendment, a supplementary petition upon additional papers. The supplementary petition shall be governed by the same requirements as an original petition with respect to such matters as uniformity and assembly of papers, listing of the petitioners' committee, text or designation and description of measures, circulators' affidavits, the writing and counting but not the number of signatures; and the clerk shall proceed as in the case of an original petition. Within two days after receipt of a supplementary petition complying with the requirements of subsections (b) and (c) of Section 2.73, the clerk shall deliver the supplementary petition papers to the county board of elections for a checking of the marked signatures against the registration books. The Board of Elections shall complete its check within five days after receipt of the said petition papers; except that the said board shall not be obligated to conduct a check in any 30-day period immediately preceding, or in any 10-day period immediately following a county-wide or city-wide election. Upon completion of this check, the Board of Elections shall forthwith certify to the city clerk the number of voters registered in the city whose signatures, marked by the clerk, appear on the supplementary petition papers that the board found it necessary to examine. If it was found unnecessary to check all names on the supplementary papers, this fact shall be indicated in the certificate. The supplementary petition papers shall be returned to the city clerk by the Board of Elections together with the certificate.

(c) Within two days after the return of the supplementary petition papers by the Board of Elections, the clerk shall complete a second certificate as to whether the original petition, as amended by the supplementary petition is sufficient. If the clerk certifies the amended petition insufficient, his second certificate shall show the particulars wherein the petition is still defective. As soon as he has completed his second certificate, the clerk shall notify the petitioners' committee of its contents and shall present that certificate to the council at its next meeting, and that certificate shall be a final determination as to the sufficiency of the petition.

(d) If a petition has been certified insufficient and there is no election to amend it, or if an amended petition is certified insufficient, the clerk shall present his latest certificate on the petition to the council at its next meeting.

(e) If, in any one of the ways provided in this Section, a final determination has been made that a petition is insufficient, that determination shall be subject to judicial review, but no further action shall be taken on the petition unless the reviewing court directs otherwise. Such a final determination, even if sustained upon review, shall not prejudice the filing of a new petition for the same purposes.

Sec. 2.76. Consideration by the City Council and Submission to the Voters.

(a) When the city council has been presented with, or has, an initiative or referendum petition which has been finally determined sufficient in

accordance with the preceding Sections of this Article, it shall proceed at once to consider that petition. If an initiative petition is concerned, the ordinance it proposes shall at once be introduced and shall undergo all other procedures required for ordinances of the same kind; however, not later than 30 days after the date on which the petition proposing the ordinance is finally determined to be sufficient, the council shall complete its consideration of the proposed ordinance and shall adopt it with or without amendment or reject it. If a referendum petition is concerned, the ordinance to which that petition is directed shall be reconsidered by the council and, not later than 30 days after the date on which the referendum petition was finally determined sufficient, the council shall repeal or sustain the ordinance.

(b) If the council fails to adopt, or adopts with amendment, a proposed initiative ordinance, or if the council fails to repeal an ordinance reconsidered pursuant to a referendum petition, it shall submit the originally proposed initiative ordinance or refer the reconsidered ordinance concerned to the voters of the city.

(c) When the council has been presented with, or has, a recall petition which has been finally determined sufficient in accordance with the preceding Sections of this subchapter, it shall thereupon fix a day for holding a recall election unless, prior to council consideration of the matter, the council member whose removal is sought has resigned and his resignation has been accepted by the council.

(d) Any such initiative, referendum, or recall election shall be held not sooner than 30 days and not later than 60 days after the petition has been finally determined sufficient. It may be held at the same time as any other general or special election within such period, but if no other election is to be held within such period the council shall call a special initiative referendum or recall election (or combination thereof).

Sec. 2.77. Ballots for Initiative, Referendum, and Recall Elections.

(a) Any initiative or referendum ordinance to be voted on in accordance with this charter shall be presented for voting by ballot title. The ballot title shall be prepared by the city attorney. The ballot title may differ from the legal title and shall be a clear, concise statement describing the substance of the ordinance without argument or prejudice. If the ballot used in voting is a paper ballot, it shall have below the ballot title the following instructions: "Place a cross (x) in only one of the squares below." Below this instruction shall appear, in the order indicated the following propositions: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Immediately at the left of each of the two propositions set out, there shall be a square in which by making a cross (x) the voter may cast his vote.

(b) The ballots used in a recall election, if a paper ballot is used, shall contain the following instructions: "Place a cross (x) in one of the squares below." Below the instruction shall appear, in the order indicated, the following propositions: "FOR THE RECALL OF (NAME OF OFFICER)" and "AGAINST THE RECALL OF (NAME OF OFFICER)." Immediately at the left of each of the two propositions thus set out, there shall

be a square in which by making a cross (x) the voter may cast his vote.

(c) If voting machines are used for an initiative, referendum or recall election, the ballot title shall have below it the same two propositions appropriate to its nature as prescribed for the paper ballot, one above the other or one preceding the other in the order indicated, and the voter shall have an opportunity to vote in favor of either of the two propositions and thereby to vote his preference.

(d) Any number of initiative, referendum or recall proposals may be voted on at the same election and may appear on the same ballot. Paper ballots used for voting on one or more such proposals shall be used for that purpose only. If more than one proposal appears on the same paper ballot or is voted on by paper ballot at the same election, each one shall be presented for voting with ballot title, instruction, propositions, and voting squares as prescribed for single proposals. If voting machines are used, each proposal shall be presented for voting as prescribed for single proposals on voting machines.

Sec. 2.78. Withdrawal of Initiative and Referendum Petitions.

(a) A petitioners' committee may withdraw an initiative or referendum petition:

(1) At any time after the city council, if an initiative petition is concerned, has finally rejected or has adopted with amendment the ordinance proposed; or, if a referendum petition is concerned, has finally refused to repeal the ordinance to which the petition is directed; but the city clerk shall retain the petition papers as part of the official records of the city.

(2) But not later than the fifteenth day immediately preceding the day scheduled for a vote in the city on the proposal concerned.

(b) No petition shall be withdrawn except by written request for its withdrawal filed with the council within the time limits prescribed for withdrawal and signed by at least four of the five members of the petitioners' committee for that petition. The filing of such request immediately withdraws the petition and there shall be no further action on or under that petition and no city vote or further action pursuant to that petition on the proposal concerned.

Sec. 2.79. Results of Election.

(a) If a majority of the voters of the city voting upon a proposed initiative ordinance shall vote in favor of it, the ordinance involved shall thereupon be an ordinance of the city. A referred ordinance not approved by a majority of the voters voting on it shall thereupon be repealed.

(b) If a majority of the votes cast on the question of recalling a council member be against his recall he shall continue in office for the remainder of the unexpired term, but subject to recall as before. If a majority of such votes be for the recall of the council member designated on the ballot, he shall be removed from office.

(c) If a council member in regard to whom a sufficient recall petition is submitted to the council shall resign before the election and his resignation be accepted by the council, or shall be removed as a result thereof, the vacancy shall be filled in the manner provided by this charter for

filling vacancies in such office, except as otherwise provided in subsection (d) of this Section. But a council member removed by the voters as the result of a recall election, or resigning after a sufficient petition for his recall has been submitted to the council shall not be re-elected to fill the vacancy caused by his own removal or resignation.

(d) If the recall of a majority of the members of the city council, including the mayor as one of the members, shall be effected at a single recall election, the successors of the council members recalled shall be elected by the registered, qualified voters of the city at a special municipal election, and said successors shall serve for the unexpired part of the term of the council members recalled. The members of the city council who have not been recalled are empowered to call such special election and to make all necessary provisions regarding the same in conformity with the Constitution and general laws of North Carolina. If the recall of the members of the city council, including the mayor, shall be effected at a single recall election, they shall be continued in office for the sole purpose of calling a special municipal election for the election of their successors as above provided, and of ascertaining and declaring the results thereof.

Sec. 2.80. Publication of Ordinances; Repeal and Amendment; Conflicts.

(a) Ordinances adopted under this Article by the city council or by the voters of the city shall be published and shall take effect as prescribed for ordinances generally.

(b) Any ordinance so adopted and any ordinance approved by the voters of the city under this Article may be amended or repealed by the council as are other ordinances of like nature.

(c) If two or more clearly conflicting ordinances are adopted or approved at the same city election, then, as soon as practicable thereafter, the council shall enact such amendments or repeals or both as may be necessary to remove the conflicts between these ordinances. In making these amendments or repeals or both, the council shall preserve, and wherever reasonably possible preserve intact, the provisions of that ordinance which, among those in conflict, was adopted or approved by the greatest number of affirmative votes.

CHAPTER III. MAYOR AND COUNCIL

SUBCHAPTER A. COUNCIL: COMPOSITION, TERMS, QUALIFICATIONS, COMPENSATION

Sec. 3.01. Composition of the City Council.

The city council shall consist of seven members, who shall be elected from the city at large in the manner provided by Chapter II.

Sec. 3.02. Qualifications and Terms of Councilmen; Vacancies.

(a) Members of the council shall serve for terms of two years, beginning the day and hour of the organizational meeting of the council, but members shall continue to serve until their successors are elected and qualified.

(b) No person shall be eligible to be nominated or elected to the city council, or to serve thereon, unless he is a qualified voter and resident of the city.

(c) If any elected councilmen shall refuse to be qualified, or if there is a vacancy in the office of councilman after election and qualification, or if any councilman be unable to discharge the duties of his office, the council shall choose some person for the unexpired term, or during his disability, as the case may be, to act as councilman. Councilmen so selected shall have all authority and powers given under this charter to regularly elected councilmen and shall be subject to recall.

Sec. 3.03. Salary of Mayor and Councilmen.

The mayor shall receive for his services the sum of two thousand four hundred dollars ($2,400.00) a year payable in semi-monthly installments. Each member of the council, except the mayor, shall receive a salary of one thousand two hundred dollars ($1,200.00) a year payable in semi-monthly installments. From the salary of the mayor or any councilman shall be deducted the sum of ten dollars ($10.00) for each regular or special meeting of the council which is not attended by such member, unless prevented by illness or other unavoidable cause.

SUBCHAPTER B. ORGANIZATION AND PROCEDURES

Sec. 3.21. Oath of Office; Organizational Meetings.

The organizational meeting of each council shall be held on Monday following the date of the election of its members, at 2:15 o'clock P. M. Before entering upon the duties of their respective offices, councilmen shall severally take oath before the city clerk to perform faithfully the duties of their respective offices. The council shall organize by the choice from its members of a mayor and a mayor pro tem., who shall hold their offices at the pleasure of the council. The organization of the council shall take place notwithstanding the absence, death, refusal to serve or non-election of one or more members; provided, that at least four of the persons entitled to be members are present and take oath. Any member who shall not be present may take oath at any time thereafter.

Sec. 3.22. Regular and Special Meetings.

(a) The council shall fix suitable times for its regular meetings, which shall be as often as twice monthly. The mayor, the mayor pro tem., or any two members of the council may at any time call a special meeting by signing a written notice stating the time of the meeting to be delivered to each member or left at his usual dwelling place at least six hours before the meeting. Meetings of the council may also be held at any time when all members of the council are present and consent thereto. It shall not be necessary to state in the notice of a special meeting the business to be transacted; and any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) Except where otherwise specifically provided by this charter, the city council shall have authority to determine the time and place of council meetings, to make such provisions as it may deem wise relative to regular, special, adjourned and continued meetings, to adopt rules of procedure, and generally to regulate the time, place, manner and method of the exercise of its powers. All meetings shall be held within Guilford County except in the case of an emergency. In the event the council is authorized or required by

law to hold a joint meeting with the governing body of another municipality or political subdivision of the State of North Carolina, it may at its election meet with the other governing body at a designated place within the area subject to the jurisdiction of the other governing body.

Sec. 3.23. Meetings; Quorum; Votes; Attendance of Members.

(a) All meetings of the council shall be public meetings. The city council shall not by executive session or otherwise formally consider or vote on any question in private session.

(b) A majority of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members by ordering them to be taken into custody. The affirmative vote of a majority of the members of the council shall be necessary to adopt any ordinance. All other matters voted upon shall be by a majority vote of the council members present, but no ordinance shall be adopted on the same day it is introduced unless five members of the council vote in favor of it. No member shall be excused from voting except on matters involving the consideration of his own official conduct or involving his financial interest.

(c) All final votes of the council involving the expenditure of money or the enactment of ordinances shall be by roll call and shall be entered in the minutes. It shall not be necessary to call the roll, however, if a voting device is provided which records the vote of each council member for later entry in the council minutes, and the voting device is constructed so that the vote of each council member is visible to the member. The mayor shall announce the result of each vote of the council.

(d) The council shall have power to compel the attendance of absent members by ordering them to be taken into custody.

Sec. 3.24. Continuance of Public Hearing.

If a public hearing is set for a given date, and a quorum is not then present, the hearing shall be continued until the next regular council meeting without further advertising. The council may continue any public hearing without further advertisement.

SUBCHAPTER C. COUNCIL: ORDINANCE PROCEDURE

Sec. 3.41. Applicable General Law Provisions.

Except as herein otherwise provided, the adoption, amendment, repeal, pleading and proving of ordinances shall be governed by applicable provisions of general law.

Sec. 3.42. Publication of Ordinances.

(a) Any compilation or codification of the city ordinances adopted by the city council, and ordered printed by it in pamphlet or book form, may be published by publication of the ordinance adopting the compilation or codification, and the ordinances included in the compilation or codification shall be effective not less than twenty days after publication of the adopting ordinance.

(b) Any new Chapter of the city code whether by way of addition or substitution may be published in its entirety or a notice may be published stating the title of the Chapter, the date of its adoption, and that it will

be effective twenty days after the publication of said notice. Any new Chapter published in its entirety shall become effective upon publication. Any new Chapter published by title shall become effective not less than twenty days after publication.

(c) All other ordinances shall be published in their entirety and shall become effective upon publication, unless the ordinance expressly provides for a different effective date.

(d) As used in this Section the term "publication" means publication once in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper by posting in three public places in the city.

Sec. 3.43. Code of Ordinances.

(a) The city council may adopt and provide for the publication and distribution of a codification of the city ordinances, to be known as the "Greensboro Code of Ordinances." The Code of Ordinances shall consist of two separate parts. The first part shall be known as "General Ordinances." The second part shall be known as "Technical Ordinances," and shall include all ordinances regarding the construction of buildings, the installation of plumbing, the installation of electric wiring, the installation of oil appliances, or gas appliances and equipment, and other technical ordinances designated as such by the city council.

(b) The official copy of the Code of Ordinances, including all ordinances, amending or supplementing the code, shall be kept in the office of the city clerk.

Sec. 3.44. Codification of Certain Zoning, Traffic and Related Ordinances by Appropriate Entries upon Official Map Books.

(a) Every ordinance concerning the matters enumerated in subsections (b) and (c) of this Section shall be codified by appropriate entries upon official map books to be retained permanently in the office of the city clerk. Such entries shall be made by or under the direction of the city manager. In conjunction with the introduction of every proposed ordinance concerning any of these matters, a map of the affected area shall be presented to the city council, but failure to present a map shall not affect the validity of the ordinance.

(b) The ordinances referred to in subsection (a) include all ordinances establishing or amending boundaries of any district under zoning regulations.

(c) The ordinances referred to in subsection (a) also include all ordinances:

(1) Designating the location of official traffic control devices;

(2) Designating areas or zones where restrictions, prohibitions or other controls are applied with respect to parking, loading, bus stops, and taxicab stands;

(3) Establishing speed limits;

(4) Designating the location of through streets, stop intersections, yield right-of-way intersections, waiting lanes, one-way streets, and truck traffic routes; and

(5) Establishing restrictions, prohibitions, or other controls upon vehicle turns at designated locations.

Sec. 3.45. Ordinances of Limited Application.

The council shall have the power to pass ordinances which shall be effective only in certain districts or sections of the city, or ordinances which may except from their operations any district or sections of the city, if in the judgment of the city council the condition in such sections or districts require them to be included in or excepted from the provisions of any such ordinance.

SUBCHAPTER D. COUNCIL: POWERS AND DUTIES

Sec. 3.61. Exercise of City Powers; Powers of City Council.

(a) The city council shall direct the exercise of all the powers of the city, except as otherwise provided by this charter.

(b) In addition to other powers conferred upon it by law, the council may adopt and provide for the execution of such ordinances, rules, and regulations, not inconsistent with this charter, as may be necessary or appropriate for the preservation and promotion of the health, comfort, convenience, good order, better government, and general welfare of the city and its inhabitants.

SUBCHAPTER E. MAYOR

Sec. 3.81. Mayor and Mayor Pro Tem.

The mayor shall be the official head of the city and shall preside at council meetings. He shall have a vote upon all measures coming before the council but no veto. In the absence from the city or disability of the mayor, the mayor pro tem. shall perform his duties. During the absence or disability of both the mayor and mayor pro tem. the council shall select one of its number to perform such duties.

CHAPTER IV. ADMINISTRATIVE OFFICES, POWERS AND PROCEDURES

SUBCHAPTER A. CREATION AND POWERS OF DEPARTMENTS, OFFICES, POSITIONS, BOARDS, COMMISSIONS AND OTHER AGENCIES GENERALLY

ARTICLE 1. IN GENERAL

Sec. 4.01. Offices, Positions, Departments, etc. Continued by Charter or Created by Council.

(a) The following offices and positions are hereby continued under this charter:

Mayor, mayor pro tem., city manager, city clerk, city treasurer, city attorney, chief of police, tax collector, fire chief, and building inspector. The council may assign to the said offices and positions functions in addition to those set forth in this charter, but may not discontinue or transfer from such offices and positions functions assigned to them by this charter, except that:

(1) The positions of city clerk and city treasurer, and of assistant city clerk and assistant city treasurer, may be combined, and the functions of any of these four positions may be assigned to the holders of any other of such positions; and

(2) The positions of fire chief and police chief may be combined.

(b) The council may create, combine, consolidate and abolish; may assign functions to; and may organize as it sees fit the work of:

(1) Other offices and positions in addition to those named in subsection (a); and

(2) Such departments, boards, commissions and agencies as it deems appropriate.

ARTICLE 2. CITY MANAGER

Sec. 4.11. City Manager: Appointment, Qualifications, Term and Compensation.

The council shall appoint the city manager, who shall be the administrative head of the city government. He shall be responsible for the administration of all city offices, positions, departments, boards, commissions and agencies created by or under this charter. He shall be appointed with regard to merit only and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the council, and shall receive such compensation as it may fix.

Sec. 4.12. City Manager: Powers and Duties.

The city manager shall (1) be the administrative head of the city government; (2) see that within the jurisdiction of the city the laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed; (3) attend all meetings of the council, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the council from time to time upon the affairs of the city, and keep the council fully advised of the city's financial condition and its future financial needs.

Sec. 4.13. City Manager: Absence or Disability.

In the event the city manager shall be sick, absent from the city or otherwise unable to perform the duties of his office, the mayor shall be ex officio city manager until the manager is able to resume his duties, and during said period the mayor shall have all the power and authority of the manager. Should the position of city manager be vacant or in the event of the prolonged absence, illness, or other incapacity of the manager, the council may designate one of its number, the mayor or any other person, as temporary manager, and the person so designated shall have all the powers and authority of the manager while he shall serve in the capacity. If the mayor or any member of the council serves as manager for a temporary period, he shall receive such additional compensation as the council may determine.

ARTICLE 3. CITY ATTORNEY

Sec. 4.21. Powers and Duties of the City Attorney.

The city attorney shall (1) serve as legal advisor to the city council, the city manager and all city departments, officers and agencies; (2) represent as counsel the city, its officers, agents, or employees, in any legal action arising out of or connected with the proper functions of the city,

its officers, agents, or employees, unless disqualified to so act; (3) approve as to form all ordinances and resolutions, including initiated or referred ordinances, prior to their introduction.

ARTICLE 4. POLICE AND FIRE OFFICERS

Sec. 4.31. Powers and Duties of the Chief of Police and Policemen.

(a) The chief of police, acting under the city manager, shall have supervision and control of the police force and shall enforce discipline therein.

(b) The chief of police and each member of the police force shall have —for the purpose of enforcing city ordinances and regulations, of preserving the peace of the city, of suppressing disturbances and apprehending offenders, and for serving civil process—the powers of peace officers vested in sheriffs and constables. Such powers may be exercised within the corporate limits of the city and one mile beyond, upon city real property wherever located, and within the limits of the watershed of the city water supply.

Sec. 4.32. Power to Establish Police Emergency Lines.

The city council shall have the power to authorize the chief of police or other police officer in charge at the scene of a parade, fire, accident, disturbance, crime scene, natural or artificial disaster or emergency, or any large gathering of people, to provide barricades, ropes, signs, or other means of restraint, and it shall be unlawful for any person other than a law enforcement officer, fireman, or other person having official business at the scene, to cross a duly established police emergency line without express permission of a police officer at the scene.

Sec. 4.33. Fingerprinting and Photographing of Arrested Persons.

The chief of police may provide for the taking of fingerprints and photographs of any person arrested by any police officer of the City of Greensboro, and the provisions of G. S. 148-79 shall not apply to the City of Greensboro.

Sec. 4.34. City and County Jails.

The keeper of the jail of Guilford County is hereby required to receive into the jail without a mittimus, any person under arrest by a police officer of the city, and to keep such person safely until he is brought out for trial. For such services the jailer shall be entitled to such fees as are allowed him in like cases. The city may also provide and use a jail for the confinement of prisoners in its discretion, but the providing of a city jail shall not relieve the county jailer of the duty to receive prisoners from police officers of the city.

Sec. 4.35. Auxiliary Policemen and Firemen.

(a) The city council may provide for the organization, recruiting, training, equipping, and appointing of auxiliary policemen and auxiliary firemen for the City of Greensboro.

(b) Duly appointed auxiliary policemen and firemen shall, while training and while performing duties on behalf of the city incidental to their appointment, be entitled to workmen's compensation benefits to the same extent as regular city employees. Compensation payments to auxiliary po-

licemen shall be based upon the entrance salary of a regular city police patrolman at the time of the injury. Compensation payments to auxiliary firemen shall be based upon the entrance salary of a regular city fireman at the time of the injury.

(c) Auxiliary policemen and firemen shall not be entitled to remuneration for their services unless called into active duty by the city council because of an emergency, in which event they may receive such compensation for their services as shall be fixed by the council. Auxiliary policemen and firemen shall not be entitled to any benefits of compensation other than those provided by or pursuant to this Section. This subsection shall not in any manner affect the rights of any person to benefits provided by the State of North Carolina or by Act of Congress for civilian defense workers or auxiliary policemen and firemen.

(d) The City of Greensboro shall be entitled to the same immunities with respect to the action of auxiliary policemen and auxiliary firemen in the performance of their duties or training or otherwise, to which it is entitled with respect to the actions of regular city policemen and firemen in the performance of their duties.

Sec. 4.36. Municipal Rescue Squad.

The city council may create a municipal rescue squad and, for the purpose of providing emergency life saving and rescue service to persons within the city whose lives or property are imperiled, may allocate sufficient funds to train and equip such an organization. The city may share the expense thereof with Guilford County in the manner provided by Chapter 525 of the Session Laws of 1957. In the event it shall be deemed advisable, the city council may provide emergency life saving and rescue services by contracting with any incorporated, nonprofit volunteer or community rescue squad. Any expenditure made hereunder is declared to be a necessary expense and for a public purpose.

SUBCHAPTER B. FINANCES AND FISCAL MATTERS

ARTICLE 1. FINANCES AND FISCAL ADMINISTRATION

Sec. 4.51. City Treasurer.

The city treasurer shall perform the functions prescribed by this charter and by general law, and shall be provided with a surety bond at the expense of the city, in an amount fixed by the council. The bond shall be filed with the city clerk.

Sec. 4.52. City Tax Collector.

The city tax collector shall perform the functions prescribed by this charter and by general law, and shall be provided with a surety bond at the expense of the city, in an amount fixed by the council. The bond shall be filed with the city clerk.

ARTICLE 2. TAXATION

Sec. 4.61. General Authority to Levy and Collect Taxes.

To raise revenue for defraying expenses incident to the proper government of the city, the council may annually levy and collect (1) an ad valorem tax on real and personal property (including intangible property

not exempt from taxation) and on all other property subject to ad valorem tax; (2) a tax on all businesses, trades, professions, avocations, and franchises, carried on or enjoyed within the city; and (3) any other taxes permitted by general law.

Sec. 4.62. Levy, Collection and Payment of Ad Valorem Property Taxes.

(a) Except as otherwise herein provided, ad valorem property taxes shall be imposed and collected in the manner provided by general law.

(b) Ad valorem property taxes shall become due and payable on the date provided by general law, and interest shall be charged for late payment in the amounts and during the periods provided by general law. In the discretion of the city council, discounts may be allowed for prepayment of taxes, and if allowed, shall be granted in the amounts and for the periods provided by general law.

(c) The council may make rules and regulations for the payment of the tax on any particular parcel or parcels of real estate or personal property listed in the name of any person, firm or corporation without requiring the payment of all of the taxes listed by such person, firm or corporation. The property upon which taxes are so paid shall be released or exempt from the lien of the unpaid portion of taxes.

(d) If for any reason the making out of tax statements is delayed so that persons cannot ascertain the full amount of their taxes in time to take advantage of the discounts herein provided for, the council may revise the schedule of discounts and penalties, either or both, as in its judgment may be fair and proper, but the maximum discount or penalty thus fixed by the council shall not exceed the maximum provided for by subsection (b).

(e) The city tax collector shall, on the second Monday in June of each year, report a list of all taxpayers owing taxes for the current year which are liens on real property, and the city council shall thereupon, at its next regular meeting, order the sale of the tax lien on said real property of said taxpayers to be held at one of the times prescribed in the General Statutes of North Carolina. District taxes collected by the city tax collector shall be regarded as city taxes for purposes of advertisement and sale.

Sec. 4.63. Additional Remedies for Collection of Privilege License Taxes.

In addition to any other civil or criminal remedy available to enforce the collection of privilege license taxes, the tax collector may employ the remedies of levy upon personal property, attachment and garnishment, in the manner of and subject to the limitations provided in G. S. 105-385(c) through (g).

ARTICLE 3. INVESTMENT OF FUNDS

Sec. 4.71. Investment of Proceeds of the Sale of Bonds and Other Surplus Funds.

(a) The city council, or the mayor, the city manager and the treasurer acting jointly with authority granted by ordinance, shall from time to time carefully analyze the amount of cash in the general fund of the city and

in all special funds of the city credited to any special purpose, and all proceeds from the sale of bonds heretofore or hereafter issued by the city. When in the opinion of the city council, or the mayor, city manager and treasurer, acting jointly, it is determined that the cash in any fund is in excess of the amount required to meet current needs, the council, or the mayor, manager and treasurer, acting jointly, may deposit excess funds at interest with an official depository in the city upon terms authorized by applicable laws of the United States and the State of North Carolina, or invest in shares of any building and loan association organized and licensed under the laws of the State of North Carolina, or in shares of any federal savings and loan association organized under the laws of the United States and having its principal office in this State; or invest excess funds in bonds or certificates of indebtedness or treasury bills of the United States of America, or in bonds, notes or other obligations of any agency or instrumentality of the United States of America when the payment of principal and interest thereon is fully guaranteed by the United States of America, or in bonds of the City of Greensboro, North Carolina, or in certificates of deposit issued by banks or official depositories within the City of Greensboro, North Carolina. No funds may be invested, however, in building and loan associations unless and until authorized by the Insurance Commissioner, or in case of shares of a federal savings and loan association, unless and until authorized by an officer of the Federal Home Loan Bank.

(b) The funds shall be so invested that, in the judgment of the council, or of the mayor, manager and treasurer, acting jointly, they may be readily converted into money as needed. Earnings from the investment of proceeds of sale of bonds may be applied to the payment of the interest or principal of the bonds from the sale of which the proceeds were derived, or may be applied as increment to the proceeds. Earnings received on deposits and the income from investments, other than the investment of the proceeds from the sale of bonds, unless otherwise required by law, shall be paid into the city's general fund. Nothing in this Section shall be construed as permitting moneys realized from the investment of the proceeds of the sale of City of Greensboro bonds to be used for any purpose other than the purpose for which the bonds were authorized.

(c) The city council or the mayor, manager, and treasurer, acting jointly, may make deposits in designated depositories to the extent that the depositories have qualified to receive such deposits under the law, and may purchase and sell the securities or investments hereinabove set out privately and without notice, but no such securities or investments shall be purchased at more than the market price thereof nor sold at less than the market price thereof. The city may pay all costs of every nature incident to the purchase and sale of securities.

(d) When the United States Government securities hereinabove mentioned are purchased and sold in New York City, New York, and it is not deemed practical to transport any or all of such securities from New York to Greensboro and from Greensboro to New York, the city council is authorized to name a bank or banks with which such securities may be left

in a safekeeping account, either in the name of the city or in the name of a Greensboro bank, designated by the city council as a bank which may hold for the city such securities in its customer's account with a New York bank or banks likewise designated by the city council. No security shall be required for the protection of securities or investments thus held for safekeeping. No city officer or employee, including the officer or employees having charge or custody of city funds, or the surety or sureties on any official bond, shall be liable for any losses sustained when United States securities and investments are deposited or left with any bank or banks in the manner hereinabove authorized.

SUBCHAPTER C. PERSONNEL

Sec. 4.91. Appointment and Removal of Department Heads and Employees; Salaries; Absence or Disability.

(a) The city manager, except as otherwise provided in this charter, shall appoint and may suspend and remove all city employees, and heads of departments, and, in his discretion, may employ consultants of any kind when needed. The manager shall report to the city council every appointment and removal of a department head at the next council meeting following the appointment or removal.

(b) All compensation and salaries shall be fixed or approved by the council.

(c) In case of the absence or disability of any department head or holder of any position named in this charter, an assistant designated by the city manager may perform the functions of the department head or position holder.

(d) City employees and department heads shall perform such duties as may be required of them by the manager under general regulations of the council.

(e) Neither the council nor any of its members shall take any part in the appointment or removal of department heads and employees in the administrative service of the city. Except for the purpose of inquiry, or for consultation with the city attorney, the council and its members shall deal with the administrative service solely through the manager, and neither the council nor any member thereof shall give specific orders to any subordinates of the city manager, be it publicly or privately. This Section shall not apply to action taken by a member of the council while serving temporarily as manager, or as manager ex officio.

Sec. 4.92. Public Liability Insurance Policies Covering Certain Employees.

The city may purchase and pay the premium on a public liability insurance policy or policies to protect and hold harmless from loss any city employee or employees engaged in occupations found by the council to be hazardous to the public generally.

Sec. 4.93. Loss and Theft Insurance Policies Covering Certain Employees.

The city may purchase and pay the premium on an insurance policy or policies to protect and hold harmless from loss by disappearance, theft, or

means other than the wrongdoing of the insured employee or employees, any city employee or employees who are engaged in duties which require them to be responsible for public funds.

Sec. 4.94. Oaths of Certain Officers and Employees.

Before entering upon the discharge of their duties, the holders of the following offices and positions shall be required to take and subscribe before the mayor, or some other officer authorized to administer oaths in such cases, the oath prescribed for public officers and an oath that they will faithfully and impartially discharge the duties of their respective offices or positions according to law: the chief of police and each member of the police force, the tax collector and assistant tax collector, and the building inspector and all employees empowered to enforce the building code. All such oaths shall be filed with the city clerk.

SUBCHAPTER D. PROCUREMENT AND PROPERTY MANAGEMENT

ARTICLE 1. CONTRACTING, PURCHASING AND PROPERTY MANAGEMENT PROCEDURES

Sec. 4.111. Contracting Procedures.

All contracts, except leases provided for in Section 4.125 (b) and (c) of this charter, shall be made or authorized by the city council, and no contracts shall bind the city unless reduced to writing and approved by the council. All contracts, and all ordinances or resolutions making contracts or authorizing the same, shall be drawn by the city attorney or shall be submitted to him before authorization by the council.

ARTICLE 2. SALE AND DISPOSITION OF PROPERTY

Sec. 4.121. Sale of Personal Property.

Any personal property not exceeding twenty-five hundred dollars ($2500.00) in value at the time of sale may be sold or exchanged by the council without advertisement. Personal property having a value in excess of twenty-five hundred dollars ($2500.00) may be sold only at public sale after advertisement as prescribed in Section 4.123.

Sec. 4.122. Sale of Real Property Not Exceeding Fifteen Thousand Dollars ($15,000.00) in Value.

Any real property owned and held by the city for governmental or other purposes, the fair market value of which (exclusive of special assessments thereon) does not at the time of sale exceed fifteen thousand dollars ($15,000.00), may be sold by the council. When any satisfactory offer is made for the same, and a deposit of five per cent of the amount bid is made with the city clerk, the council shall cause to be published one time in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, there shall be posted in three places in the city, a general description of the property, the amount and the terms of payment offered, together with a notice that within ten days any person may raise the bid not less than five per cent. If within ten days any person raises the bid five per cent and deposits with the city clerk a certified check covering the deposit for the increased bid, the city clerk shall readvertise the offer, and shall continue to readvertise so long as the bids

are increased and proper deposits are made; and when there is no increased bid within the prescribed time, the council may sell and convey such property for the amount of the highest bid offered; but the council may at any time refuse to proceed further with the proposed sale. In lieu of the foregoing procedure, the council may, in its discretion, order a public auction sale of any real property without regard to its value.

Sec. 4.123. Sale of Real Property Exceeding Fifteen Thousand Dollars ($15,000.00) in Value.

By a two-thirds vote of all the members of the city council, any real property owned and held by the city for governmental or other purposes having an apparent fair market value in excess of fifteen thousand dollars ($15,000.00) may be sold by the city council, but only at public sale and after advertisement. The resolution authorizing the sale shall describe the property to be sold, the time, place, and terms of sale, and shall state that any offer or bid must be accepted and confirmed by the council before the sale shall be effective. The resolution may, but need not, require that the highest bidder at the sale deliver to the city treasurer, or other official designated by the city council, a certified check in an amount named in the resolution, to guarantee that, if the sale is confirmed by the council, the bidder will comply with the terms of his bid. The resolution shall be published in some newspaper published in the city which is qualified to carry legal notices, once a week for four successive weeks, or, if there be no such newspaper, the resolution shall be posted in three public places in the city, and the last publication may, but need not, be on the day of sale. After the bids have been received at the sale, the highest bid for the property shall be reported to the council, and within thirty days thereafter the council shall accept or reject the bid. If the bid is rejected, the council may readvertise the property for sale.

Sec. 4.124. Sale or Exchange of Excess Property.

In any case where the city has purchased property instead of taking it by condemnation for any public purpose, and, in the opinion of the council, it is desirable to sell any excess of the property, that is, such property as is not needed for the particular improvement or public purpose, the council may sell it by public sale, by receiving sealed bids, or by exchanging it for other property. In such case the provisions of Sections 4.122 and 4.123 shall not apply, except that public sale shall be as provided by Section 4.123.

Sec. 4.125. Lease of Property.

(a) Any property owned by the city, whether originally acquired for governmental or other purposes, may be rented or leased by the council for a term not to exceed ten years if, in the opinion of the city council, the property will not be needed by the city for the period of the lease. A lease may be made privately by the council or publicly after notice is given in such manner and for such length of time as prescribed by the council. In any case, however, where the lessee enters into a binding obligation to erect, upon property owned by the city, improvements to cost not less than one hundred thousand dollars ($100,000.00), the council may rent or lease such property for a term not to exceed forty (40) years and such lease

may be made by the council either privately or publicly and upon such terms as in the judgment of the council will promote the best interest of the city.

(b) The Greensboro War Memorial Stadium on Bagley Street and the Greensboro War Memorial on the old fairground property, in whole or in part, may be leased, privately or publicly, for a period not to exceed fourteen (14) days by the city manager under rules and regulations adopted by the city council.

(c) The city manager shall have the authority, under rules and regulations adopted by the city council, to lease, privately or publicly, any vacant land or any building to be used for dwelling purposes, owned by the city, from month to month, at a rental to be determined by the city manager to be the fair rental value of the property.

Sec. 4.126. Real Property Conveyed to the City for Parks, Recreation and Playgrounds; Sale; Dedication for Street, Sidewalk, Water or Sewer Purposes.

The city council may (1) sell, as provided in Section 4.123, any part of any real property heretofore or hereafter conveyed or dedicated to the city for parks, recreation or playgrounds; and (2) dedicate and use for street, sidewalk, water, or sewer purposes such portion or portions of any such property as in the opinion of the city council public convenience or necessity may require; but nothing herein shall have the effect of altering the terms or conditions of any agreement with the city, or conveyance to the city, relative to the use of property.

Sec. 4.127. Releases and Quitclaims.

(a) The city manager is hereby authorized to execute releases of persons, firms, and corporations because of damages to personal property belonging to the city when the full amount of damages to such property is ascertained and statement thereof has been furnished to the manager by the city attorney and the amount of such release does not exceed five hundred dollars ($500.00). In the event that a draft or check is presented to the city which constitutes a release, instead of a regular release form, the manager may direct that such draft or check be handled as other payments to the city and, when approved by the manager, it shall constitute a release to the extent stated on the draft or check.

(b) The city may quitclaim any rights it may have in property not needed for public purposes upon report by the city attorney and city manager, and adoption of a resolution by the city council, both finding that the property is not needed for public purposes and that the city's interest has no readily ascertainable monetary value.

Sec. 4.131. Conflict of Interest.

Any officer, department head, employee, or board or commission member who has financial interest, direct or indirect, in any proposed contract with the city or in a proposed sale of any land, material, supplies, or services to the city or to a contractor supplying the city, shall make known that interest and shall refrain from voting upon or otherwise participating in the making of such a contract or sale. Any officer, department head, or employee who willfully conceals such a financial interest or willfully

violates the requirements of this Section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this Section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the city shall render the contract void.

SUBCHAPTER E. RECORDS MANAGEMENT

Sec. 4.151. City Clerk.

The city clerk shall be ex officio clerk of the city council, and shall keep records of its proceedings. He shall perform all other functions prescribed by this charter and by general law. He shall have the same power to administer oaths, in the exercise of his official functions, as the Clerk of the Superior Court of Guilford County. He shall be provided with a surety bond at the expense of the city, in an amount fixed by the council. The bond shall be filed with the city manager.

CHAPTER V. REGULATORY AND PLANNING FUNCTIONS

SUBCHAPTER A. ADMINISTRATION OF JUSTICE

Sec. 5.01. Rewards for Conviction of Certain Offenses.

The city council may offer and pay rewards for the conviction of any person or persons alleged to have committed criminal offenses which, in the judgment of the council, involved serious danger to the public peace or public safety. The council shall fix the terms, conditions and amounts of such rewards. Rewards shall be paid only by order of the council from nontax revenues in the general fund of the city. The council shall, in its discretion, determine who shall be entitled to the collection of any reward.

SUBCHAPTER B. ALCOHOLIC BEVERAGE CONTROL

Sec. 5.21. Board of Alcoholic Control: Selection, Composition and Terms.

The City of Greensboro Board of Alcoholic Control is hereby continued under this charter, and shall consist of three members who shall be known for their character, ability, and business acumen. The city council shall appoint the members of said board for three-year overlapping terms; shall fix their compensation; and shall designate one of the members as chairman. Vacancies occurring otherwise than by expiration of term shall be filled by the council for the unexpired term.

Sec. 5.22. Board of Alcoholic Control: Powers and Duties.

The Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control to the same extent as county boards of alcoholic control, as provided in Section 18-39 of the General Statutes. The city board and the operation of any city liquor stores authorized under the provisions of this subchapter shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" board of alcoholic control appears

in said Article, it shall include the City of Greensboro Board of Alcoholic Control. The board shall have authority to employ legal counsel and such other employees as it may deem wise and to fix their compensation. Any law enforcement officer appointed by the board shall have all of the powers provided for law enforcement officers by Section 18-4(o) of the General Statutes.

Sec. 5.23. Board of Alcoholic Control: Distribution of Profits.

Out of profits remaining after the payment of all costs and operating expenses, the Board of Alcoholic Control shall expend a sum not less than five per cent (5%) nor more than ten per cent (10%) for law enforcement purposes and for education as to the effects of the use of alcoholic beverages. The board also shall retain out of such profits a sufficient and proper working capital, the amount to be determined by the board. Any profits remaining at the end of each quarterly period following the establishment of liquor control stores shall be paid out and distributed as follows:

(1) Twenty-seven per cent (27%) shall be allocated and distributed to the general funds of Guilford County and the municipal corporations, other than the City of Greensboro, located in the county, until they shall establish liquor control stores. The amounts distributable to the county and to each of the municipal corporations shall be determined upon the basis of population as shown by the latest federal decennial census; provided, however, the population of the county shall be the entire population exclusive of the population of all of the municipal corporations located therein. Upon the establishing of liquor or alcoholic beverage control store or stores by any city or town located in Guilford County, other than the City of Greensboro, the distributive share of the profits which would be payable to such city or town during the period such stores are operated by any such city or town shall be paid by the board to the City of Greensboro in the same manner and for the same purposes set out in paragraph (2) of this Section.

(2) Seventy-three per cent (73%) shall be allocated and distributed to the tax collector of the City of Greensboro and may be used by the City of Greensboro in the operation of the water and sewer system of the city, for debt service, for the general fund or for any public purpose.

Sec. 5.24. Subsequent Elections Concerning Alcoholic Beverage Control.

(a) Elections may be held upon the continued operation of city liquor control stores in the City of Greensboro or, in the event of a vote in opposition thereto, then, elections may be held thereafter upon the renewed operation of such stores. Such elections shall be conducted in accordance with the provisions of this charter applicable to initiative petitions (Section 2.71 through 2.80) except that:

(1) The number of signers required upon petition to initiate such election shall be fifteen per cent (15%) of the qualified voters of the city who voted at the last preceding election for city council members;

(2) The propositions to be voted upon shall be "For City Liquor Control Stores" and "Against City Liquor Control Stores"; and

(3) A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those registered in the liquor election shall be entitled to vote in the election.

(b) If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against City Liquor Control Stores," the city liquor control board shall within three months from the canvassing of such votes and the declaration of the results thereof, close the stores and shall thereafter cease to operate them, and within three months the city control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property under the control of the board, convert it into cash, and turn the cash over to the city treasurer. Thereafter, all public, public-local and private laws applicable to the sale of intoxicating beverages within the City of Greensboro in effect prior to the authorization to operate city liquor stores shall be in effect as if the election had not been held and until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For City Liquor Control Stores." No election shall be called and held in the City of Greensboro under the provisions of this Act within three years from the holding of the last election thereunder.

SUBCHAPTER C. OCCUPATIONAL AND BUSINESS LICENSING AND REGULATION

Sec. 5.41. Power to Tax, Regulate etc., Certain Businesses.

The council shall have the power to license, tax, regulate, restrict, prohibit, suspend, and revoke any license on the following businesses: for running billiard tables, bowling alleys, or alleys of like kind, bowling saloons, bagatelle tables, pool tables, or tables for any other game or play, with or without a name, for the use of which a charge is directly or indirectly made; pawnbrokers; fruit or vegetable stands; restaurants; drink stands; lunch counters; dance halls; pressing clubs; theatres; vaudeville or moving picture houses or shows and any other businesses the council may determine should be placed in this class. Before issuing the license as above, the council may require bonds from all applicants, conditioned as the council may determine, with such sureties as the city manager and city attorney may approve.

SUBCHAPTER D. PLANNING, ZONING, BUILDING REGULATIONS AND RELATED MEASURES

ARTICLE I. IN GENERAL

Sec. 5.61. Authority Within Corporate Limits.

The city council may exercise within the corporate limits any planning, subdivision, zoning and building regulation powers (including plumbing, heating or electrical regulation powers) now or hereafter conferred by law upon cities and city governing bodies generally, or specifically conferred by law upon it or upon the City of Greensboro.

Sec. 5.62. Extraterritorial Authority.

(a) For the purpose of promoting the orderly growth, expansion and development of the City of Greensboro and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals, and general welfare of the citizens of such area, the city council is hereby authorized to exercise any planning, subdivision, zoning and building regulation powers (including plumbing, heating, or electrical regulation powers) now or hereafter conferred upon the City of Greensboro and vested in the council by this charter, the General Statutes, or any other statute applicable to the City of Greensboro, not only within the corporate limits of the city but also within the territory beyond the corporate limits, as now or hereafter fixed, for a distance of one mile in all directions. Such powers may be exercised to the same extent and according to the same procedures as are applicable to the exercise of planning, zoning, subdivision, or building regulation powers (including plumbing, heating, or electrical regulation powers) within the corporate limits of the city; but any ordinance intended to have application beyond the corporate limits of the city shall so provide. Such powers shall include the power to adopt such ordinances and regulations as may be considered necessary or expedient by the council to regulate, control and restrict:

(1) The height, number of stories, and size of buildings and other structures;

(2) The percentage of a lot that may be occupied;

(3) The size of yards, courts and other open spaces;

(4) The density of population;

(5) The location and use of buildings, structures, and land for trade, industry, residences, or other purposes;

(6) The construction of buildings, including plumbing, heating and electrical installations; and

(7) The names of streets, and the city may provide street name signs in the area.

(b) At least two but not more than four members of the Greensboro Planning Board, authorized by G. S. 160-22, shall be citizens and residents of the territory beyond the corporate limits of Greensboro and within one mile thereof. Members appointed from the territory beyond the corporate limits of the City of Greensboro shall be appointed in the same manner and shall have the same powers and duties as the other members of the Greensboro Planning Board, and the laws, ordinances, rules and regulations applicable to the members of the Greensboro Planning Board shall be applicable to said members.

(c) The city council is authorized, in order to enforce properly the provisions of any zoning ordinance or building regulation, to require by ordinance that prior to the beginning of any construction, reconstruction or alteration of any building or structure, or for plumbing, heating or electrical installations within said area, a permit or permits be obtained therefor from the building inspector of the City of Greensboro. All permits, plans, inspections and fees which are specified in the Greensboro Code of Ordinances will apply to such area within one mile beyond the corporate limits.

(d) Membership on the Greensboro Board of Adjustment, authorized by G. S. 160-178, and the Greensboro Board of Building Appeals, authorized by this charter, shall not be limited to citizens and residents of the City of Greensboro, and members may be appointed to these boards who reside within the corporate limits of the city or within the territory beyond the corporate limits and within one mile thereof; except that not more than two members of the Greensboro Board of Adjustment, or one member and one alternate member, and not more than one member of the Greensboro Board of Building Appeals, shall be a resident or residents of the territory beyond the corporate limits and within one mile thereof.

(e) In the event that any portion of the territory beyond the corporate limits of the City of Greensboro and within one mile thereof comes within an area which is subject to the jurisdiction of another municipality or political subdivision of the State which has authority to exercise planning, zoning, subdivision, or building regulation powers (including plumbing, heating, or electrical regulation powers) and is exercising such jurisdiction, then the authority herein granted to City of Greensboro, to the extent that any conflict of jurisdiction may exist, shall not attach unless and until the governing body of such other municipality or political subdivision shall relinquish jurisdiction over said portion of said territory by resolution or ordinance of its governing board or body, or by repealing the regulations which it has adopted, and any such governing body or board is hereby authorized to pass or enact a resolution or ordinance relinquishing such jurisdiction. Except as otherwise herein provided, the authority hereby given to City of Greensboro shall become effective immediately upon the adoption by the city council of an ordinance making such territory subject to its authority.

(f) The powers herein granted to the city council are intended to be supplementary to any powers now or hereafter conferred upon it. The exercise of powers herein granted shall be within the discretion of the council. This Section shall have no effect upon any existing city ordinances. The adoption of any ordinance under authority of this Section shall have no effect upon any litigation pending at the time of adoption of such ordinance.

Sec. 5.63. Authority to Require Installation of Certain Improvements Prior to Approval of Plats.

(a) In connection with subdivision or platting controls, the City council may require the improvement and grading of streets and the construction and installation of street pavements, curbs, gutters, sidewalks, and water, sewer, surface water drainage, and other utility mains, as a condition precedent to approval of the plat. The requirement may provide for tentative approval of the plat previous to such improvement and installation; but any such tentative approval shall not be entered on the plat. The requirements may provide that in lieu of completion of the work and installations prior to final approval of a plat, the council may accept a bond, in an amount and with surety and condition satisfactory to it, providing for and securing to the city the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond. The city is empowered to enforce the bond by

all appropriate legal and equitable remedies. Requirements adopted under this subsection may be applied throughout the area over which the city is authorized by law to exercise platting or subdivision controls.

(b) The requirements may provide, in lieu of the completion prior to the final approval of a plat of such work and installation on land within the corporate limits of the city, for an assessment under this charter or under Article 9 of Chapter 160 of the General Statutes or other statutory authorization whereby the city may do the work and make the installations at the cost of the owners of the property within the subdivision.

ARTICLE 2. BUILDING REGULATIONS

Sec. 5.71. Building Inspector.

The building inspector shall enforce the city building code, shall perform the functions prescribed by this charter and by general law, and shall perform such additional functions as may be assigned to him by the city council.

Sec. 5.72. Board of Building Appeals.

(a) The city council may provide for the creation and organization of a board of building appeals to which appeals may be taken from the decision of the building inspector upon any provision of the building code of the city.

(b) The board shall consist of five members to serve for three-year overlapping terms. It shall have power to elect its own officers, to fix the times and places for its meetings, to adopt necessary rules of procedure, and to adopt all other rules and regulations not inconsistent herewith which may be necessary for the proper discharge of its duties; and it shall keep an accurate record of all its proceedings.

(c) An appeal from any decision or order of the building inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the city. Any appeal from the building inspector to the board shall be taken within such reasonable time as shall be prescribed by the board by general rule and shall be taken by filing with the building inspector and with the clerk or secretary of the board, or with such other person as may be designated by the board, a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the building inspector shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the building inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed by the board. When any appeal is from a decision of the building inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement of the building inspector until the hearing by the board, unless the building inspector certifies to the board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order,

which may be granted, for due cause shown and upon not less than one day's written notice to the building inspector, by the board or by the Superior Court of Guilford County.

(d) The board shall fix a reasonable time for the hearing of all appeals and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the building inspector; but the concurring vote of four members of the board shall be necessary to reverse or modify any decision of the building inspector. In passing upon appeals, the board shall have power not only to determine whether the decision of the building inspector is made upon a proper construction of the pertinent provisions of the building code but it shall have power also to allow materials and methods of construction other than those required by the building code to be used when in its opinion other materials and methods of construction are as good as those required by the code; and for this purpose the requirements of the building code shall be considered as a standard to which construction shall conform. The board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the building code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured and substantial justice done.

(e) Every decision of the board shall be subject to review by the Superior Court of Guilford County by proceedings in the nature of certiorari instituted within fifteen days of the decision of the board, but not otherwise.

Sec. 5.73. Fees for Building Inspection and Related Matters.

The city council may fix its own fees, notwithstanding any State law for fixing such fees generally, for the inspection of: (1) the construction, alteration, repair, removal and demolition of buildings; (2) all plumbing, electrical, heating and air conditioning work done in the city; and (3) the erection, installation, repair, maintenance and operation of smokestacks and smoke-producing apparatus of any kind whatsoever.

SUBCHAPTER E. UTILITY REGULATIONS

Sec. 5.91. Public Utility Franchises.

(a) The council may grant franchises for any public utility in the manner provided by law, and, in its discretion and in accordance with subchapter D of Chapter II, may hold a referendum at the expense of the applicant on the question of granting a franchise.

(b) Franchises granted hereunder:

(1) Shall extend for such periods as the council may determine, not to exceed sixty years, and may be renewable;

(2) Shall be revocable at the will of the council for violation of their terms or conditions;

(3) Shall—if they pertain to streets, sidewalks, public grounds or places in the city—be separately taxable, such taxes to be in addition to all

other taxes; except when such imposition by the city is prohibited by any statute now or hereafter in effect.

(4) May not be transferred without the approval of the council;

(5) May contain such provisions—consistent with the General Statutes relating to the jurisdiction of the State Utilities Commission—as the council deems proper concerning service, facilities, maintenance, operation, rates, accounting, reports and other matters; and

(6) May reserve to the city the right to purchase the utility properties covered by the franchise upon such terms (including price) as may be provided for by the franchise, but in no event shall the value of the franchise be considered in determining the purchase price.

SUBCHAPTER F. VEHICLES AND TRAFFIC

ARTICLE 1. CITY REGULATION OF VEHICLES AND TRAFFIC IN GENERAL

Sec. 5.111. Authority of City Council to Adopt Regulations.

(a) Subject to the provisions of subsection (b) of this Section, the city council may adopt ordinances regulating the speeds of vehicles upon any city streets and may establish truck routes (or other required routes for limited classes of vehicles or traffic) applicable to any city streets. As used in this Section the term "city streets" includes all public highways, roads and streets within the city limits, including numbered State highways, and highways, roads and streets maintained, repaired, constructed, reconstructed or widened in whole or in part with State funds.

(b) An ordinance concerning vehicle speeds, truck routes or other required routes that applies to numbered State highways shall become effective only as provided in this subsection. The council shall transmit to the State Highway Commission by registered mail a copy of the ordinance upon its adoption. The ordinance shall become effective if not disapproved by the commission within twenty days following the next regular meeting of the commission after the commission has received a copy of the ordinance.

(c) The authority herein granted to the city council shall be in addition to any authority conferred by general law upon the city council or the city to regulate vehicles, traffic or the use of city streets.

Sec. 5.112. Power to Regulate Ambulances and Wreckers.

The council may establish regulations governing the operations of ambulances, wreckers, and other motor vehicles used in connection with emergencies, disasters, or accidents, and may provide for the operation of an ambulance service or a wrecker service, or to enter into a contract or contracts for the providing of such service by a private person or persons.

Sec. 5.113. Power to Regulate Obstruction of Alleys.

If, in the opinion of the city council, a fire hazard is created by the obstruction of private alleys, the city council may adopt regulations governing the obstruction of private alleys, either by reason of the parking of motor vehicles or otherwise, but such regulations shall not be construed so as to restrict or limit the legal right of the owners of interests in a private alley to close the alley or to exercise other property rights therein.

Sec. 5.114. Location of Traffic Control Devices.

The city council may authorize an official to designate the location of official traffic control devices, upon a determination by him:

(1) If such a device is to be installed at a particular location, that its installation is necessary in order to control traffic congestion in the interest of public safety; or

(2) If such a device is to be moved or removed from a particular location, that the device is no longer required at such location for control of traffic congestion in the interest of public safety.

An "official traffic control device," as used in this Section, is a sign, signal, marking, or device, including a parking meter, which is intended to regulate vehicular or pedestrian traffic.

ARTICLE 2. TRAFFIC BUREAU

Sec. 5.121. Authority of City Council to Create a Traffic Bureau.

(a) The city council may provide a traffic bureau to handle the following traffic violations:

Parking over the allowed time
Parking between one a. m. and six a. m.
Parking more than twelve inches from the curb
Parking within twenty-five feet of an intersection
Parking too close to a fire hydrant
Parking in a non-parking space
Illegal use of loading zones, bus stops and taxi stands
Parking at entrance of alley or driveway
Parking at left side of curb
Double parking
Not displaying proper lights
Making U turn in street where prohibited
Illegal left or right turn
Disregard of stop sign
Not displaying city license
Obstructing traffic
Other violations of traffic ordinances enumerated in such ordinance

(b) The council may eliminate any traffic violations from the foregoing schedule.

(c) Any person receiving a citation or ticket for any traffic violation may pay through the traffic bureau the following amounts as payment of the civil penalty and be discharged.

(1) Overtime parking one dollar ($1.00)

(2) Traffic violations, other than overtime parking, not to exceed five dollars ($5.00) as fixed by the council.

(d) Any person given a citation or ticket by a police officer of the City of Greensboro for a violation designated as provided in subsection (a) may tender an amount not in excess of the sum provided for in subsection (c) as payment of the civil penalty.

(e) No State tax shall be paid to the State of North Carolina in cases finally disposed of by the traffic bureau.

(f) The city manager shall designate a sufficient number of persons to operate the traffic bureau.

(g) All civil penalties collected in the traffic bureau shall be paid into the general fund of the City of Greensboro.

CHAPTER VI. CITY SERVICES AND FACILITIES

SUBCHAPTER A. ESTABLISHMENT AND MAINTENANCE OF SERVICES AND FACILITIES

ARTICLE 1. ANIMAL SHELTERS

Sec. 6.01. Joint Animal Shelters.

The city council may participate in the construction, operation and management of one or more animal shelters for the joint use of Guilford County and the cities of Greensboro and High Point, as provided by Chapter 314 of the Session Laws of 1955.

ARTICLE 2. CITY CEMETERIES

Sec. 6.11. Sale of Cemetery Lots.

The city manager may sell cemetery lots in the city cemeteries, subject to rules and regulations adopted by the city council. All deeds or instruments conveying title to such lots shall be signed by the mayor.

ARTICLE 3. FIRE PROTECTION SERVICES

Sec. 6.21. Power to Destroy Property to Stop Fires.

The mayor, city manager or any two members of the city council may order the blowing up, tearing down or other destruction of any building when it is deemed necessary to stop the progress of a fire. No person shall be held liable, civilly or criminally, for acting in obedience to orders, nor shall the city, the mayor, the city manager, or the council members be held liable, civilly or criminally, for the giving of such orders or for damages to property ordered destroyed.

ARTICLE 4. GARBAGE AND REFUSE DISPOSAL

Sec. 6.31. Liens for Garbage and Refuse Disposal Charges.

The council may establish charges to be made for garbage and refuse disposal. In case any charge for the removal and disposal of garbage and refuse is not paid within ten days after it becomes due, the charge shall become a lien against the property served or in connection with which the service or facility is used and may be collected thereafter in the manner provided by Section 6.83 for collection of utility charges.

ARTICLE 5. RECREATION FACILITIES

Sec. 6.41. Power to Regulate Use of Facilities.

(a) The city council may:

(1) Regulate the use of War Memorial and other recreation facilities belonging to the city;

(2) Regulate recreational uses of the city lake and other city-owned reservoirs or bodies of water;

(3) Promote athletic events and other recreation and entertainments in or involving any such facilities, reservoirs, or bodies of water, or contract for the promotion of athletic events, entertainment or recreation events, by leasing such facilities as provided in this charter, or otherwise.

(b) With respect to the use of city-owned reservoirs or bodies of water, the council may:

(1) Adopt regulations concerning boating on city-owned reservoirs and the taking of fish therefrom (including regulations of the size, kind and number of fish that may be taken, and of fishing seasons);

(2) Fix charges for fishing permits, boating permits, rental of fishing tackle and sale of bait;

(3) Employ wardens to enforce any such regulations, and stock such reservoirs with fish; and

(4) Exercise all other rights and privileges incident to the ownership of such properties.

ARTICLE 6. ROADS AND STREETS

Sec. 6.51. Establishment of Proposed Street Lines.

Whenever, in the opinion of the city council, it is for the best interest of the city that any street should be widened or extended, or both, or that a new street should be opened, the council may pass an ordinance declaring that such street should be widened or extended, or both, or that such new street should be opened, and shall lay out in the ordinance the lines within which such street should be widened, extended, or opened. If any street under the provision of such ordinance is to be widened, it need not be widened on both sides; and, if it is to be widened on both sides, the distance to be widened on both sides need not be the same. Any ordinance introduced for the purpose of widening, extending, or opening any street under the provisions of this charter, may not be adopted until the proposed ordinance is published in a newspaper published in the city and qualified to carry legal notices at least two times, on separate days at least ten days before the passage of the ordinance, or, if there be no such newspaper, posted in three public places in the city. There shall be posted or published with the ordinance a notice stating when property owners may be heard by the council. A public hearing on the question of the adoption of such ordinance shall be held prior to the passage of the ordinance.

Sec. 6.52. Notice to City Required before Improvement.

After the passage of such ordinance, it shall be unlawful for any land within the proposed street lines established by such ordinance to be built upon or improved, or for any part of any existing building within said lines to be repaired or otherwise improved until the city shall have first been given an opportunity to purchase or otherwise acquire said property for street purposes as provided in this charter. To that end, any person proposing to build upon such land or to make repairs or improvements to that part of any existing building situated thereon shall, in writing, notify the city council of the nature and estimated cost of such building, repairs, or improvements. The council shall then determine whether it will take the necessary steps to acquire said land prior to the construction of said

building or the making of such repairs or improvements, and if it fails within sixty days from date of receipt of said notice to acquire, or to institute condemnation proceedings to acquire, said property, the owner or other person giving such notice may proceed to erect the building in accordance with the ordinances and regulations of the city, or to make the repairs or improvements described in said notice.

Sec. 6.53. Failure to Give Notice Bars Recovery.

If any person, firm, or corporation builds upon any land included within proposed street lines, or repairs or otherwise improves that part of any existing building within proposed street lines without giving the city an opportunity to acquire said land free from said improvements, as provided in the preceding Section, the city shall not be required to pay for the value of the building, repairs, or improvements in any proceeding subsequently brought to acquire said land for the purpose set out in said Section.

Sec. 6.54. Acquisition of Land.

If upon receiving any notice in compliance with Section 6.52, the city council determines to acquire said land immediately, it may acquire the same by grant, purchase, or condemnation. In no case shall an effort to purchase said land be necessary to the institution of condemnation proceedings. If the council determines to proceed by condemnation, the condemnation shall be as set forth in this charter.

Sec. 6.55. Cost of Land Acquired for Street Widening to be Assessed as Part of Improvement.

After any land has been purchased or condemned for the purpose of widening, extending, or opening any street, and the land purchased or condemned lies within the limits of an improvement directed in said proceeding, then the amount paid by the city for the land purchased or condemned, together with the cost of the condemnation proceeding and interest on said amount paid and costs at the rate of six per cent per annum from the date of payment, shall be included in the cost of said improvement and shall be assessed as provided by law against the property to be assessed for the improvements.

Sec. 6.56. Exercise of Condemnation Power after Failure to Condemn Following Notice.

The failure of the city to acquire any land within thirty days after receiving notice that the same is to be built upon, or that a building thereon is to be repaired or otherwise improved, or its failure within said time to institute proceedings to condemn the same, shall not limit the right of the city at any subsequent time to condemn the same; but in such case the owner shall be entitled to compensation as now provided by law for the building, repairs, or improvements made after the giving of the required notice and the failure of the city to acquire said land free of said improvements.

Sec. 6.61. Power to Close Streets.

(a) The city council shall have the power to close any street or portion thereof that is now or may hereafter be opened or dedicated, either by the recording of a subdivision plat or otherwise. Upon receipt of a sufficient petition signed by the owners of a majority of the property abutting a

street, requesting that it be closed, and after an investigation of the sufficiency of the petition by the city attorney, the city clerk shall publish a notice of a public hearing to be held by the council, such publication to be once a week for four successive weeks in some newspaper published in the city which is qualified to carry legal notices, or if there be no such newspaper, by posting a notice at three public places in the city. Any individuals owning property abutting a street who do not join in the request for closing the street shall be notified by registered letter of the time and place of the public hearing. If it appears to the satisfaction of the city council that the closing of the street is not contrary to the public interest, and that no individual owning property in the vicinity of the street or in the subdivision in which it is located will thereby be deprived of reasonable means of ingress or egress to his property, the city council may order the closing of the street; provided, that any person aggrieved may appeal within thirty days from the order of the council to the Superior Court of Guilford County, where the question shall be heard de novo. Upon such an appeal, the Superior Court shall have full jurisdiction to decide the matter upon the issues arising and to order the street closed upon proper finding of fact by a jury. A certified copy of the order of the council (or the judgment of the Superior Court in the event of an appeal) shall be filed in the office of the Register of Deeds of Guilford County. Upon the closing of a street in accordance with the provisions of this Section, all right, title, and interest in the portion of the street closed shall be conclusively presumed to be vested in the owners of the lots or parcels of land abutting the portion of the street closed, and the title of each of such owners shall, for the width of the abutting land owned by such persons, extend to the center of the street. Copies of the registered letters giving the notice required by this Section, and the return receipts or other good and sufficient evidence of the giving of the required notice, shall be recorded in the register of deed's office, together with the resolution of the council (or with the judgment of the Superior Court, in cases where an appeal was taken). No final action shall be taken by the city council to close a street until the matter has been referred to the Greensboro Planning Board for study and recommendations, but no public hearing shall be necessary before the Greensboro Planning Board.

(b) The resolution ordering the closing of a street may provide for utility rights-of-way to be retained by the city or public utility company, if needed.

ARTICLE 7. WATER SUPPLY, SEWERAGE AND WASTE DISPOSAL AND OTHER UTILITIES

Sec. 6.81. Operation of Water Systems, Sewerage and Waste Disposal Systems, and Other Utilities.

(a) The city council may:

(1) Provide for the construction or acquisition and operation of utilities and utility systems;

(2) Acquire any real or personal property necessary or incidental thereto, including equipment, machinery, and all manner of rights or interests in or relating to land and water, and appurtenances thereto; and

(3) Establish rates of charge for utility services and for the use of utility facilities.

(b) The city manager shall have the entire supervision and control of the management of all city utilities and utility systems. With the approval of the city council he may adopt rules and regulations:

(1) Concerning the management of utility and utility systems, with regard to such matters as maintenance, operation, and improvement thereof, or requiring the pretreatment of waste; and

(2) Concerning collection of charges for utility services and for the use of utility facilities. If pursuant to any rule or regulation utility service to any property is discontinued, it shall be unlawful for any person, firm or corporation without the city manager's approval to renew a utility service or to use it without having first paid any outstanding charges and obtained the approval of the city manager. Violations of this paragraph shall be misdemeanors punishable by a fine of not exceeding fifty dollars ($50.00), or imprisonment for not exceeding thirty days.

(c) As used in this charter, unless the context otherwise requires, the term "utility" includes water supply, water distribution, sewerage, waste disposal, electric power, gas, and public transportation utilities.

Sec. 6.82. Water Connection by Abutting Owners.

The city council may require that within thirty days after a water main or sewer main is completed and made ready for use, the owner of every abutting lot whereon water is supplied for any human use shall cause the lot to be connected to the water main or sewer main.

Sec. 6.83. Liens for Utility Charges.

In case any charge for utility service or for the use of utility facilities is not paid within ten days after it becomes due, the same shall become a lien upon the property served or in connection with which the service or facility is used. The charge may at any time thereafter be collected, either by suit in the name of the city or by the city tax collector for the city, by the sale of the property upon which the lien attaches at the Guilford County courthouse door, after advertising the sale once a week for four successive weeks in some newspaper published in the city which is qualified to carry legal notices. The sale shall be made under the same rules and regulations, and subject to the same costs and penalties and to the same rights of redemption as are provided by law for the foreclosure of the lien on real estate for taxes.

SUBCHAPTER B. EMINENT DOMAIN AND LOCAL IMPROVEMENTS

ARTICLE 1. EMINENT DOMAIN

Sec. 6.101. Condemnation Procedure; Interest Acquired.

The City of Greensboro shall possess the power of eminent domain, and may acquire, either by purchase or condemnation, any land, right of access, right-of-way, water right, privilege, easement, or any other interest in or relating to land or water, either within or beyond the city limits, including and limited to a right-of-way in and across lands owned or held as right-of-way by a railroad or other public utility company (provided that the

operation of such railroad or other public utility company may not be impaired unreasonably thereby), for any lawful public use or purpose. Unless otherwise expressly provided in the condemnation resolution, a fee simple title shall pass to the city upon the condemnation of any such interest. In any case where the owner of land to be condemned or of any interest therein is a minor, an insane person, or otherwise under any disability, any notice hereinafter required by this Article to be served upon such owner shall be served upon his guardian, and service upon such guardian shall be sufficient without service on the minor, insane person, or person under disability. Thereafter such guardian may exercise on behalf of his ward with respect to such condemnation proceeding all the powers conferred upon such person as owner. Water rights or other interests relating to water may be condemned under the procedure set forth in this Article for the condemnation of land and interests therein.

Sec. 6.102. Effort to Purchase Not Required.

It shall not be necessary to the condemnation by the city of any land or interest therein, whether pursuant to this Article or otherwise, that the city shall have attempted to acquire the needed land by grant or purchase prior to the commencement of condemnation proceedings.

Sec. 6.103. Resolution Proposing Condemnation.

(a) When any land required by the city for any purpose allowed by this charter or the general law of the State is proposed to be condemned under the specific provisions of this charter, the city council shall adopt a resolution which shall contain substantially the following provisions:

(1) A description of the land proposed to be condemned in fee, or of the interest or easement proposed to be condemned.

(2) If there is any building or other property situated wholly or partly upon the land to be condemned, the determination of the city council as to whether the owner shall be allowed to remove such property or whether the same shall be condemned;

(3) A statement of the purpose for which said land or easement is proposed to be condemned;

(4) The name and address of the owner or owners of said land and of any other person or persons interested therein whom it is necessary to make a party to the proceeding;

(5) The name of a disinterested freeholder of the city appointed as appraiser by the city council;

(6) A notice that the owner or owners of said land, or interest therein, or a majority in interest of said owners, may, within fifteen days after service of said resolution upon all of them, appoint one appraiser (who shall be a disinterested freeholder of the city) to represent them, the name of which appraiser shall be reported in writing to the city clerk within said fifteen days;

(7) A notice that the appraiser appointed by the city and the appraiser appointed by the owner or owners, or if the owner or owners fail to appoint, then the two appraisers appointed by the city, shall appoint a third appraiser, and that the three thus appointed shall constitute a board of

appraisers, whose duty it shall be to determine the damages and benefits which will result from the condemnation of said land or easement or interest therein;

(8) A notice of the time fixed for the first meeting of the appraisers, and that said meeting will be held upon the premises to be condemned.

(b) It shall not be necessary to institute separate condemnation proceedings against the several owners of tracts or parcels of land affected by proposed local improvements.

Sec. 6.104. Service of Resolution Proposing Condemnation.

A copy of the resolution proposing condemnation shall be personally served upon each of the owners of the land proposed to be condemned; provided, that if the resolution cannot be personally served upon any of the owners, then it may be served by publication once a week for two successive weeks in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, by posting in three public places in the city.

Sec. 6.105. Failure of Owners to Appoint Appraiser.

If within fifteen days after service of the resolution upon all of the owners, they or a majority in interest of them fail to appoint an appraiser and to report his name to the city clerk, the city council shall appoint a disinterested freeholder of the city to represent them.

Sec. 6.106. Appointment of Third Appraiser; Oath.

The appraiser appointed by the city council, and the appraiser appointed by the owner or owners, or if the owner or owners fail to appoint, then the two appraisers appointed by the city council, shall appoint a third appraiser, who shall be a disinterested freeholder of the city, and shall report his name to the city clerk. Each appraiser shall take an oath or affirmation that he will fairly and impartially discharge his duties as an appraiser.

Sec. 6.107. First Meeting of Appraisers.

At the time fixed by the resolution of condemnation, the appraisers shall meet on the premises proposed to be condemned. If for any reason a meeting cannot be held at the time fixed by the city council, then a meeting shall be held at another time fixed by the appraisers, in which case notice of the time and place of the meeting shall be personally served upon each of the owners of the land or easement proposed to be condemned, or if the notice cannot be personally served, it may be served by publication once a week for two successive weeks in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, by posting in three public places in the city. The notice, whether given personally, by publication, or by posting, shall be served not less than five days prior to the date of the hearing. At the first meeting the appraisers shall view the premises affected by the proposed condemnation; and shall hear, but need not reduce to writing, any evidence as to damages and benefits that will result from the proposed condemnation presented by the owners or by the city. The appraisers may make their report at or after the hearing or they may, in their discretion, hold subsequent meetings.

Sec. 6.108. Subsequent Meetings; When Notice Required.

Subsequent meetings of the appraisers shall be held at such times and places as may be determined by them. Of such meetings no notice need be given either to the owners or to the city unless such meetings are to be public and for the purpose of hearing evidence. If held for such purpose, then unless such meeting is held at a time and place to which a former meeting of which the parties had lawful notice was adjourned, notice of the meeting shall be personally served upon all the parties, or, if such notice cannot be personally served, it may be served by publication once a week for two successive weeks in a newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, by posting in three public places in the city. The notice shall be served or publication or posting thereof completed not less than five days prior to the time fixed for the meeting.

Sec. 6.109. Determination of Damages and Benefits; Report.

In determining the compensation to be paid by the city for the land or easement condemned, the appraisers shall take into consideration both the loss or damage which will result to the owners from the condemnation of the land or easement and the benefits that will result to any remainder of such land from the improvement for which the land or easement is to be condemned, the benefits to include both benefits or advantages special to the land and the benefits or advantages to the land in common with other lands affected by the improvement. The appraisers shall also take into consideration the value of any building or other property situated on the land proposed to be condemned if the owner is to be allowed to remove the building or other property, and the value thereof shall not be included in the compensation award. Having determined damages and benefits, the appraisers shall make their report to the city council, in which report the appraisers shall show separately the amount of damages, the amount of benefits, and the amount which shall be paid by the city if it finally condemns the land or easement. In the event the property condemned is subject to a recorded lease or leases, the appraisers shall apportion the award between or among the person or persons owning the fee or fees and the person or persons owning the leasehold interest or interests; but in no event shall the total of the amounts so apportioned exceed the value of the property were it not subject to a recorded lease or leases. The report shall be sufficient if it is concurred in by two of three appraisers. In the event that no two of the three appraisers can agree upon an appraisal, three new appraisers may be appointed in the same manner as the original appraisers, and the new appraisal board shall follow the same procedure as required of the original appraisal board.

Sec. 6.110. Action of Council on Report.

Within thirty days after the report of the appraisers is submitted to the city council, the council shall determine what action it will take thereon. If the council determines to abandon the proposed condemnation, it shall adopt a resolution to that effect; but the abandonment of the condemnation shall not prevent the city council from thereafter instituting a proceeding to condemn the same land or easement. If the council determines to condemn the land or easement, it shall adopt a resolution which shall contain substantially the following:

(1) A recital that a board of appraisers has been appointed to determine the compensation to be paid for the land or easement, as provided by this charter, and that the appraisers have submitted their report to the council;

(2) A statement of the amount of damages and benefits as fixed by the appraisers and of the compensation to be paid by the city for the land or easement condemned as fixed by the appraisers;

(3) The determination of the council as to the condemnation of the land or easement;

(4) A description of the land condemned in fee or of the easement condemned;

(5) A statement of the purpose for which the land or easement is condemned;

(6) The name of the owner or owners of the land and of other persons interested therein who were made parties to the proceeding;

(7) The determination of the council as to the time when the city will take possession of the land or easement condemned, and a direction that such premises shall be vacated by such time, and, in case the owner is allowed to remove any building or part thereof or any other property on the premises, a direction that such property shall be removed before said date and that if the owner fails to remove the same within said time, the council will have the same removed and the cost thereof shall be a lien upon the remainder of the property.

Sec. 6.111. Vesting of Title in City.

The adoption by the city council of a final resolution of condemnation, as provided in the preceding Section shall have the effect of a judgment against the City of Greensboro for the amount of compensation fixed by the appraisers and shall vest in the city title to the land or easement condemned.

Sec. 6.112. Appeal to Superior Court.

If upon the adoption by the city council of a final resolution of condemnation, either the owner of the land or easement condemned or the city council itself is dissatisfied with the amount of the compensation to be paid for such land or easement as fixed by the appraisers, such owner or the city or both may, within ten days from the date of adoption of such resolution, appeal to the Superior Court of Guilford County. The party or parties appealing shall, within said ten days, give notice of appeal to the other party by personal service if practicable and, if not, by publication of a notice one time in a newspaper published in the city which is qualified to carry legal notices. The appeal or appeals shall not interfere with the vesting in the city of the title to the land or easement condemned or hinder the city in any way from proceeding with the improvements for which such land or easement was condemned, except that if the land or interest therein is owned by another public or quasi-public body, or by a railroad or public utility company, the vesting of title in the city shall not become effective until the court has rendered final judgment on the question of whether the condemnation by the city is in the public interest, and has determined the amount of compensation to be awarded for the condemnation, in which case

the court may, in its discretion, reduce the amount of land or interest therein which it shall allow to be condemned.

Sec. 6.113. Record upon Appeal.

Upon an appeal taken by either party, the city clerk shall certify a copy of the record in the condemnation proceeding to the Superior Court of Guilford County, and such appeal shall be tried as other actions at law. The record upon appeal shall be composed of the preliminary resolution of condemnation, the oath of appraisers, the report of appraisers, the final resolution of condemnation, and the notice or notices of appeal. The record upon appeal, or any part thereof, shall be competent as evidence upon the trial of an appeal.

Sec. 6.114. Condemnation before Determination of Compensation.

When, in the judgment of the city council, the public interest requires that the city enter into immediate possession of any land, it shall adopt a resolution stating such necessity and the reason therefor, and condemning the required land or easement, and providing for the determination of the compensation to be paid by the city for the land or easement. The procedure therefor with respect to determination of such compensation shall follow as closely as practicable the provisions of this Article, or of the provisions of general law concerning "Eminent Domain." This Section shall not apply to land, or interests therein, owned by another public or quasi-public body, or railroad or public utility company.

Sec. 6.115. Registration of Condemnation Proceedings.

In any case where any land or any easement therein has been or may hereafter be condemned by the city council, a copy of so much of the condemnation proceedings as may be necessary to show the land or easement therein condemned and the condemnation thereof shall be certified by the city clerk and the same, upon being probated by the Clerk of the Superior Court, or other person authorized by law to probate instruments for registration, shall be registered in the office of the Register of Deeds of Guilford County.

Sec. 6.116. Sale or Other Disposition of Land Condemned.

When any land condemned in fee by the city is no longer needed for the purpose for which it was condemned, the same may be used by the city for any other public purpose or may be sold or otherwise disposed of.

Sec. 6.117. Removal by City of Structures on Condemned Land; Lien.

When property upon which any building or other structure is wholly or partly located is condemned by the city under the provisions of this charter or any other law, and the owner is allowed to remove such building or structure or part thereof, the city council may, after the report of the appraisers has been made, name the time within which the owner may remove the building or structure, or part thereof, and if the owner fails to remove the same within said time, the council may remove the same and the cost thereof shall be a lien upon the remainder of said land, or such cost may be recovered by the city in any court of competent jurisdiction.

Sec. 6.118. Procedure Not Exclusive.

The condemnation procedure set forth in this Article shall not be exclusive, but shall be in addition to any other procedure provided by law.

Sec. 6.119. Procedure Not Applicable Outside of Guilford County.

The condemnation procedure set forth in Article 2 of Chapter 40 of the General Statutes of North Carolina and not the procedure set forth in this Article shall be applicable to the exercise of the power of eminent domain by the city for the condemnation of any land, right of access, right-of-way, water right, privilege, easement, or any other interest in or relating to land or water which is or are located outside of the geographic boundaries of Guilford County.

ARTICLE 2. LOCAL IMPROVEMENTS AND ASSESSMENTS FOR LOCAL IMPROVEMENTS

Sec. 6.131. Authority to Make Local Improvements.

The city council shall have authority to make the local improvements described in this charter, and to assess the cost against benefited property. The procedure set forth in this Article shall not be exclusive, but shall be in addition to any other procedure provided by law.

Sec. 6.132. Separate Proceedings Not Required.

One or more local improvements may be made in a single proceeding, and assessments for one or more local improvements may be combined.

Sec. 6.133. Definitions.

Certain words and phrases will be used with the following meanings with reference to local improvements, unless some other meaning is plainly intended.

(a) A "street" is the entire width between property lines of every way or place, of whatever nature, when any part thereof is dedicated or open to the use of the public as a matter of right for the purpose of vehicular or pedestrian traffic.

(b) A "sidewalk" is the part of a street which is used, or to be used, for pedestrian traffic.

(c) A "storm sewer" is a conduit above or below ground for the passage of storm water, and may include a pumping station and outlet where deemed necessary, and may also include the building of culverts over or the enclosing of streams where needed to carry off storm water.

(d) A "sanitary sewer" is an underground conduit for the passage of sewage and may include a pumping station and outlet.

(e) A "water main" is a pipe for the passage of city water for public hydrants and private and public use and consumption.

(f) A "lateral" is a pipe connecting a storm or sanitary sewer or water main with the line of adjacent property or the curb line, being either a sewer lateral or water lateral, but does not include a building connection, that is, a pipe extending from a lateral at the property line or curb line to the house or plumbing fixture to be served.

(g) A "roadway" is the part of a street which is used, or to be used, for vehicular traffic.

(h) The word "sewer" includes both sanitary and storm sewers unless a contrary intention is shown.

Sec. 6.134. Improvements Described.

The council shall have authority to make the following local improvements:

(a) Roadway paving improvements, which include the grading, regrading, paving, repaving and widening of roadways, or the improvement thereof with any treatment designed to provide an improved wearing surface, with necessary drainage, sewer inlets, manholes and catch basins and the construction or reconstruction of retaining walls made necessary by any change of grade incident to such improvement, and in any case where the improvement is made upon petition if the petition so requests, or in any case where the improvement is made without petition if the council so directs, it may include the construction or reconstruction of curbs, gutters, drains, and sidewalks.

(b) Water main improvements, which include the laying or construction of water mains, the relaying where necessary of parts of paved roadways and sidewalks torn up or damaged by the laying or construction of such mains, and, in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the council so directs, the laying of water laterals.

(c) Sanitary sewer improvements, which include the laying or construction of sanitary sewers, the relaying, where necessary, of parts of roadways and sidewalks torn up or damaged by the laying or construction of such sewers, and in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the city council so directs, the laying of sanitary sewer laterals.

(d) Storm sewer improvements, which include the laying or construction of storm sewers, the relaying, where necessary, of parts of paved roadways and sidewalks torn up or damaged by the laying or construction of such sewers, and in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the council so directs, the laying of storm sewer laterals.

(e) Sidewalk improvements, which include the grading, regrading, construction, reconstruction and repair of paved or other improved sidewalks, the construction or reconstruction of retaining walls made necessary by and incident to such improvements, and, in any case where the improvement is made upon petition, if the petition so requests, or in any case where the improvement is made without petition if the council so directs, it may include the construction or reconstruction of curbs, gutters and drains, and the construction or reconstruction of all such portions of driveways as in the judgment of the council ought to be laid in the street area.

(f) Grass plot improvements, which include the grading and planting of grass plots in a street.

Sec. 6.135. Water and Sewer Mains between Streets.

Whenever the council finds it in the public interest, and it will be more economical and the interest of the property owners will best be served by constructing either water or sanitary sewer mains, or both, between streets rather than in a street, the petition may provide therefor, or in the event the water and sanitary sewer mains may be constructed in a street without petition, they may be constructed between streets without petition. The cost

of the construction of such water or sewer mains and laterals shall be assessed according to the street frontage in the same manner and to the same extent that it would be assessed if the improvements were constructed in a street; provided that the city shall provide the rights-of-way for construction and maintenance of such mains at its own expense without assessing the cost thereof.

Sec. 6.136. Inclusion of More than Improvement in Single Proceeding. (a) Any proceeding may include one or more local improvements on one or more streets, but all improvements included in one procedure shall be practically uniform in cost and kind. A petition may include improvements on only one side of a street.

(b) The petition may provide for making any one or more local improvements in or on a street or streets and for the assessment of the cost thereof, except the city's portion, wholly against the property abutting one side of such street or streets or otherwise against such abutting property as may be designated in the petition in any of the following cases: (1) In any case where there is park land or unimproved land abutting one side, or a part of one side, of a street; or (2) where the land abutting one side, or a part of one side of a street, is of such a nature or is devoted to such a purpose that a special assessment against it cannot be made, or, if made would probably exceed the value of the land assessed; or (3) where the owners of all the property to be assessed agree thereto.

Sec. 6.137. The Petition; Certificate of Sufficiency. (a) Except as otherwise provided in subsection (b), the petition for any local improvements shall designate by a general description the improvements proposed, and shall request that such proportion of the cost of each of such improvements as may be specified in the petition be specially assessed against the property abutting on the street or streets or part thereof in which or on which such improvements are proposed to be made. The petition shall be filed with the city attorney.

(b) (1) In any case where the improvement is to be made on one side of a street only, the petition shall request that the assessment be made only against the property abutting that side of the street whereon the improvement is to be made.

(2) In any case where it is proposed to assess the cost of any local improvement covering the entire width of a street against the land abutting one side of the street only or against any lands less than all of those abutting the improved portion of the street, such petition shall designate the lands to be assessed.

(c) Except as otherwise provided in subsection (d), the petition shall be signed by at least a majority in number of the owners, which majority must own at least a majority of all the lineal feet of frontage, of the lands abutting the street or streets or part of a street or streets proposed to be improved, excluding street intersections.

(d) (1) A petition for the making of local improvements on one side of a street only need be signed only by a majority in number of the owners of land abutting the side of the street whereon such improvement is to be

made, which majority must own at least a majority of all the lineal feet of frontage of the land abutting such side of the street, excluding street intersections.

(2) Any petition for the making of any improvements covering the entire width of a street and the assessment of the cost thereof against the land abutting one side of the street only or against any lands less than all of those abutting the improved portion of the street, shall be signed by all of the owners of the lands thus proposed to be assessed.

(e) (1) For the purpose of the petition, all the owners of undivided interests in any land shall be deemed and treated as one person and such land shall be sufficiently signed for when the petition is signed by the owner or owners of a majority in amount of such individed interest.

(2) For the purpose of this Section the word "owner" shall be considered to include the owners of any life estate, of an estate by entirety, or of the estate of inheritance, and shall not include mortgagees, trustees of a naked trust, trustees under deeds of trust to secure the payment of money, lienholders, or persons having inchoate rights of curtesy or dower.

(f) Upon the filing of such petition, the city attorney shall investigate the sufficiency of the petition, and if it is found to be sufficient, he shall certify the same to the council.

Sec. 6.138. When Petition Unnecessary.

(a) No petition shall be necessary for the making of any local improvements for which the city bears the entire cost without assessment.

(b) If, in the judgment of the city council, the abutting property to be assessed will be benefited in an amount at least equal to the assessment, no petition for local improvements shall be necessary in the cases set forth in subsections (c) through (h) of this Section.

(c) Street Paving Improvements.—When, in the judgment of the council:

(1) Any street or part of a street is unsafe; or

(2) The improvement of a street or part of a street not more than three blocks in length is necessary to connect streets already paved; or

(3) The improvement of a street or part of a street is necessary to connect a paved street, or portion thereof, within the city with a paved highway beyond the city limits; or

(4) The improvement of a street or part of a street is necessary to provide a paved approach to a railroad or street grade separation or any bridge; or

(5) Any street or part of a street should be widened.

(d) Water Main Improvements—When, in the judgment of the council, any street or part of a street, or any property within the city, is without a public water supply and can be served, and water service should be provided in the public interest.

(e) Sanitary Sewer Improvements—When, in the judgment of the council, any street or part of a street, or any property within the city, is without a public sanitary sewer system and can be served, and sanitary sewer service should be provided in the public interest.

(f) Storm Sewer Improvement—When, in the judgment of the council, any street or part of a street, or any property within the city, is without storm sewer facilities, and can be served, and storm sewers should be provided in the public interest.

(g) Sidewalk Improvements—When, in the judgment of the council, any street or part of a street is without sidewalks and sidewalks should be provided in the public interest, or that any existing sidewalk is unsafe and should be repaired.

Sec. 6.139. Notice of Hearing.

(a) Upon the presentation of a sufficient petition for local improvements, or when it is proposed to make without petition any improvements authorized to be made without petition, a notice shall be prepared by the city attorney which shall contain substantially the following:

(1) That a sufficient petition has been filed for the making of the improvements, or, if it is proposed to make the improvements without petition, a statement of the reasons proposed for the making thereof;

(2) A brief description of the proposed improvements;

(3) The proportion of the cost of the improvements to be assessed and the terms of payment;

(4) A statement of the time and place of a public hearing on the proposed improvements;

(5) A statement that all objections to the legality of the making of the proposed improvements shall be made in writing, signed in person or by attorney, and filed with the city clerk at or before the time of the hearing, and that any objections not so made will be waived.

(b) The notice shall be published one time in a newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, the city clerk shall cause it to be posted in three public places in the city, the date of publication or posting to be not less than ten days prior to the date fixed for the hearing. A copy of the notice shall be served upon the owners of the lands subject to assessment for such improvements if such owners can be found with reasonable diligence within the city. If any such owner cannot with reasonable diligence be found within the city, then a copy of the notice shall be mailed to his address, as nearly as the same can be ascertained with due diligence. The certificate of the person designated to serve or mail the notices that such notices were served or mailed shall be conclusive in the absence of fraud. The serving or mailing of notices shall be completed not less than five days prior to the date fixed for the hearing. The word "owners" as used herein has the same meaning as in Section 6.137.

Sec. 6.140. Public Hearing.

At the time for the public hearing, or at some subsequent time to which such hearing shall be adjourned, the council shall consider objections to the legality of the improvements made in compliance with paragraph (5) of subsection (a) of the preceding Section, together with objections to the policy or expediency of the making of the improvements, and the council shall thereafter determine whether it will order the making of the improvements. Any objections to the legality of the making of the improve-

ments not made in writing, signed in person or by attorney, and filed with the city clerk at or before the time or adjourned time of the hearing shall be considered as waived; and if any such objection shall be made and shall not be sustained by the council, the adoption of the resolution ordering the making of the improvements shall be the final adjudication of the issues presented, unless within ten days after the adoption of the resolution proper steps shall be taken in a court of competent jurisdiction to secure relief.

Sec. 6.141. Resolution Ordering Improvements; Publication.

(a) After the public hearing, if the council determines to make the improvements proposed, it shall adopt a resolution which shall contain:

(1) If the improvements are to be made by petition, a finding by the council as to the sufficiency of the petition, which finding shall be final and conclusive.

(2) If the improvements are to be made without petition, a finding by the council of such facts as are required in order to authorize improvements without petition.

(3) A general description of the improvements to be made and the designation of the street or streets or parts thereof where the work is to be done.

(4) If the improvement directed to be made is the paving of a roadway or part thereof wherein a railroad company has tracks, a direction that said company pave that part of the street occupied by its tracks, the rails of the tracks, and 18 inches in width outside such tracks, with such material and in such manner as the governing body may prescribe, and that unless such paving be completed on or before a day specified in the resolution, the governing body will cause the same to be done. Where such railroad company shall occupy such street or streets under a franchise or contract which otherwise provides, such franchise or contract shall not be affected by this Section, except insofar as may be consistent with the provisions of such franchise or contract.

(5) If the improvement directed to be made includes the construction of water mains or sewers, and in order to provide the mains or sewers in the street or streets to be improved it is necessary to extend them beyond the limits of the street or streets, the resolution shall contain a provision for the necessary extension of such mains or sewers and a further provision that the cost of such extension shall eventually be assessed against the lots or parcels of land abutting the street or streets in which such extensions are made but that assessments shall not be made until such time as the council shall thereafter determine by appropriate resolution.

(6) If the improvement directed to be made is the paving of a roadway or part thereof, or the construction of sidewalks, the resolution may, but need not, contain a direction that the owner of each lot abutting the part of the street to be improved, connect his lot by means of laterals with water mains, gas or sewer pipes, or any one or more thereof, located in the street adjacent to his premises in accordance with the requirements governing the laying of laterals, and that unless the owners cause laterals to

be laid on or before a date specified in the resolution, the date to be not less than thirty days after the date of the resolution, the council will cause the same to be laid.

(7) A designation of the proportion of the cost of the improvements to be assessed against abutting property, and of the number of equal annual installments in which assessments may be paid.

(b) The resolution after its passage shall be published at least once in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newpaper, the resolution shall be posted in three public places in the city for at least five days; except, that in any case where the council directed that the notice should be served or mailed instead of being published, the resolution ordering the improvements need not be either published or posted.

Sec. 6.142. Details of Construction; Contracts for Construction.

The council shall have power to determine the character and type of construction and of material to be used and to determine any other details of plan or construction necessary to be determined in making any local improvements and to determine whether any work to be done by the city shall be done by contract or by the city. The council shall have power also, unless otherwise limited, to determine the number of water, sewer and gas laterals that shall be laid to any lot on any street to be improved. If the work or any part thereof is to be done by contract, the council may let all of the work in one contract, or it may divide it into several contracts, and may let contracts separately.

Sec. 6.143. Determination as to Cost of Improvements.

Upon completion of the improvements, the council shall ascertain the total cost. In addition to other items of cost, there may be included therein the cost of all necessary legal services, the amount of interest paid during construction, the amount of damages paid or to be paid for injury to property by reason of any change of grade or drainage, including court costs and other expenses incidental to the determination of damages, and the cost of retaining walls, sidewalks or fences built or altered in lieu of cash payment for property damage, including the cost of moving or altering any building. The determination of the council as to the total cost of any improvement shall be conclusive.

Sec. 6.144. Preliminary Assessment.

(a) Having determined the total cost, the council shall make a preliminary assessment. The preliminary assessment shall be advisory only and shall be subject to modification. Except as otherwise provided in subsection (b), the preliminary assessment shall be as follows:

(1) Roadway paving. The total cost of any roadway paving improvement, excluding the cost incurred at street intersections, shall be specially assessed against the lots and parcels of land abutting the street containing the roadway paved, according to the frontages thereon, by an equal rate per foot of frontage, except that, where the petition so requested, the cost shall be assessed against the lands on one side of the street only or against such lands as were designated in the petition.

(2) Water mains and sewers. The cost of not exceeding an eight-inch water or sanitary sewer main and of not exceeding a thirty-inch storm sewer main shall be assessed against the abutting property. Such cost shall be assessed against the lots and parcels of land according to their respective frontages thereon by an equal rate per foot of such frontage. If a water or sanitary sewer main in excess of eight inches in size or a storm sewer in excess of thirty inches in size is laid, the excess cost shall be borne by the city. If the resolution ordered the construction of any pumping station, outfall, septic tank or disposal plant, no part of the cost of the same shall be specially assessed. Nothing contained herein shall be construed to limit the power of the council to contract with any property owner or owners for the construction of any pumping station, outfall, septic tank or disposal plant or for the construction of water mains or storm or sanitary sewers and for the assessment of the cost thereof according to the terms of such contract. The entire cost of each water and sewer lateral shall be specially charged against the particular lot or parcel of land for or in connection with which it was constructed, except that the assessments shall be calculated as if the lateral were laid from the center of the street. The cost of installing storm sewers may, however, be assessed as part of the cost of roadway paving.

(3) Sidewalks. The total cost of constructing or reconstructing sidewalks shall be assessed against the lots and parcels of land abutting that side of the street upon which the improvement is made according to their respective frontages thereon by an equal rate per foot of such frontage, the lots within a block being deemed to abut upon a sidewalk although the latter extends beyond the lot to the curb line of an intersecting street. The total cost of constructing portions of driveways within the street area shall be assessed against the lots for which they are constructed.

(4) Grass plots. The entire cost of grading or otherwise improving or of planting the grass plots in any street or part thereof shall be assessed against the lots and parcels of land abutting the street or part thereof where or whereon the improvements are made by an equal rate per front foot of such frontage; provided, that this subsection shall be construed to mean that when a grass plot in any street is graded or planted or otherwise improved, the cost thereof shall be assessed against all of the property abutting the street within the block where such grass plot is located.

(b) If the petition (or the resolution in those cases where the improvement was ordered made without petition) specified that there should be specially assessed against the abutting property a smaller proportion of the cost of any improvement than that set forth in subsection (2), there shall be assessed against abutting property only the proportion of the cost as was specified in the petition or in said resolution. No restriction or denial of access to an abutting street shall affect the levy or collection of any assessment for local improvements.

(c) The cost of paving, water, sewer, and sidewalk improvements upon, in, or to any portion of a right-of-way or any property owned by the State of North Carolina, any agency or subdivision thereof, shall be assessed against the right-of-way or property and shall be paid by the State, its agency or subdivision.

Sec. 6.145. Corner Lot Exemptions.

The council shall have authority to determine the amount and applicability of assessment exemptions for corner lots, and to distinguish between different classifications of property uses. The exemptions for paving sidewalk, and storm sewer improvements shall not exceed sixty feet and shall be limited to residential uses, and the exemptions for water mains and sanitary sewers shall not exceed one hundred and fifty feet for residential uses and one hundred feet for business uses. If the corner formed by two intersecting streets is rounded into a curve or is foreshortened for the purpose of providing sight distance or for any other purpose of construction, the frontage for assessment purposes shall be calculated to the midpoint of the curve or foreshortened corner.

Sec. 6.146. Preliminary Assessment Roll.

The council shall cause to be prepared a preliminary assessment roll, on which shall be entered a brief description of each lot or parcel of land assessed, the amount assessed against each lot, the name or names of the owner or owners of each lot, as far as the same can be ascertained; provided, that a map of the improvements on which is shown the frontage and location of each affected lot, together with the amount assessed against each lot and the name or names of the owner or owners thereof, as far as the same can be ascertained, shall be a sufficient assessment roll. If the resolution directed the making of more than one improvement, a single preliminary assessment roll for all the improvements authorized by such resolution shall be sufficient, but the cost of each improvement to each lot affected shall be shown separately. After the preliminary assessment roll has been completed, it shall be filed in the office of the city clerk, and there shall be published in some newspaper published in the city which is qualified to carry legal notices, or if there be no such newspaper, the city clerk shall cause to be posted in three public places in the city, a notice of the completion of the assessment roll, setting forth a description in general terms of the improvements, the amount of each assessment, and stating the time fixed for the meeting of the council for the hearing of objections to the special assessments, such meeting to be not earlier than ten days after the first publication or from the date of posting of said notice. Any number of assessment rolls may be included in one notice. In any case where the preliminary notice was served or mailed instead of being published, this notice need not be published or posted but may be served or mailed. The serving or mailing of notices shall be completed not less than five days prior to the date fixed for the hearing of the assessment roll, and the return of the person serving or mailing the same shall in the absence of fraud be conclusive that the same were served or mailed.

Sec. 6.147. Hearing; Revision; Confirmation; Lien.

At the time appointed for that purpose or at some other time to which it may adjourn, the council shall hear objections to the preliminary assessment roll of all persons interested who may appear and offer proof in relation thereto. Then or thereafter, the council shall either annul or sustain or modify in whole or in part the assessment, either by confirming the preliminary assessment against any or all lots or parcels described

thereon, or by cancelling, increasing or reducing the same, according to the special benefits which the council decides each of the lots or parcels has received or will receive on account of the improvements, except that assessments against railroads because of contract or franchise obligations shall be in accordance with such obligations. If any property is omitted from the preliminary roll, the council may place it on the roll and levy the proper assessment. The council may thereupon confirm the assessment roll, and the assessments so confirmed shall be in proportion to the special benefits, except in the case of franchise obligations of railroads. Whenever the governing body shall confirm assessments for local improvements, the city clerk shall enter on the council minutes and on the assessment roll the date, hour, and minute of confirmation, and from the time of confirmation the assessments shall be a lien on the property assessed of the same nature and to the same extent as county and city taxes and shall be superior to all other liens and encumbrances. After the assessment roll is confirmed a copy of the same shall be delivered to the city tax collector.

Sec. 6.148. Appeal to Superior Court.

If the owner of, or any person interested in, any lot or parcel of land against which an assessment is made is dissatisfied with the amount of the assessment, he may, within ten days after the confirmation of the assessment roll, give written notice to the council that he takes an appeal to the Superior Court of Guilford County, in which case he shall within twenty days after the confirmation of the assessment roll serve on the mayor or city clerk a statement of facts upon which he bases his appeal. The appeal shall be tried as other actions at law. The remedy herein provided for any person dissatisfied with the amount of the assessment against any property of which he is the owner or in which he is interested shall be exclusive.

Sec. 6.149. Power to Correct Error in Assessment.

If it shall appear after confirmation of any assessment roll that an error has been made, the city clerk shall cause to be published one time in some newspaper published in the city, or if there be no such newspaper, the city clerk shall cause to be posted at three public places in the city, a notice referring to the assessment roll in which the error was made, naming the owner or owners of the lot or parcel of land affected by the error, if the same can be ascertained, and naming the time and place fixed for a hearing by the council for the correction of the error, such meeting not to be earlier than ten days from the publication or from the date of the posting of the notice. At the time fixed in the notice or at some subsequent time to which the council may adjourn, the council, after giving the owner or owners of the property affected and other persons interested therein an opportunity to be heard, may proceed to correct the error, and the assessment then made shall have the same force and effect as if it had originally been properly made. No notice and hearing shall be necessary if the correction does not increase an assessment against any property not owned by the city, or if all of the property owners affected by the correction waive notice in writing.

Sec. 6.150. Reassessment.

The council shall have the power, when in its judgment there is any irregularity, omission, error or lack of jurisdiction in any of the proceedings relating thereto, to set aside the whole of the local assessment made by it, and thereupon to make a reassessment. In such case there shall be included, as a part of the cost of the improvements involved, all interest paid or accrued on notes or certificates of indebtedness, or bonds issued by the city to pay the expenses of such improvement. The proceeding shall, as far as practicable, be in all respects as in the case of original assessments, and the reassessment shall have the same force as if it had originally been properly made.

Sec. 6.151. Publication of Notice of Confirmation of Assessment Roll.

After the expiration of twenty days from the confirmation of the assessment roll, the city clerk shall cause to be published one time in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, shall cause to be posted at three public places in the city, a notice of confirmation of the assessment roll, and that assessments may be paid at any time before the expiration of thirty days from the date of publication or posting of the notice, without interest from the date of confirmation of the assessment roll, but that if such assessment is not paid in full within said time, all installments thereof shall bear interest at the rate of six per centum per annum from the date of confirmation of the assessment roll.

Sec. 6.152. Payment of Assessments in Cash or by Installments.

The property owner or railroad company assessed shall have the option of paying for improvements in cash or in not less than two or more than ten equal annual installments as may have been determined in the resolution ordering the improvements. If paid in installments, installments shall bear interest at the rate of six per centum per annum from the date of confirmation of the assessment roll. If any assessment is not paid in cash, the first installment with interest shall become due and payable thirty days after the publication or posting of the notice of confirmation, and one subsequent installment and interest shall be due and payable on the same day of the same month in each successive year until the assessment is paid in full; provided, however, that if the council shall so direct installments shall become due and payable on the same date when property taxes of the city are due and payable. If any installment with interest is not paid when due, it shall be subject to the same penalties as are now prescribed by law for unpaid taxes, in addition to the interest herein provided for. The whole assessment may be paid at any time by the payment of the full amount due with accrued interest.

Sec. 6.153. Enforcement of Payment of Assessments.

Upon the failure of any property owner to pay any installment when due and payable, all of the installments remaining unpaid shall immediately become due and payable, and property and rights-of-way may be sold by the city under the same rules, regulations, rights of redemption and savings as are now prescribed by law for the sale of land for unpaid taxes. Unpaid assessments, interest, and penalties owed by railroad companies

and the State of North Carolina, its agencies or subdivisions, may be collected by writs of mandamus issued by the Superior Court of Guilford County. Collection of assessments with interest and penalties may also be made by the city by proceedings to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the State, and it shall be lawful to join in any bill for foreclosure any one or more lots or parcels of land, by whomsoever owned, if assessed for an improvement ordered by the same resolution, after default in the payment of any installment. The payment of said installment, together with interest and penalties due thereon, before the lot or parcel of land, against which the same is a lien, is sold or said lien is foreclosed shall bar the right of the city to sell land or to foreclose the lien by reason of default.

Sec. 6.154. Assessment of Cost of Water Main and Sewer Extensions.

If the resolution ordering the making of any improvement or improvements included a provision for any necessary extension of a water main or sewer or sewers beyond the limit of a street or streets, at such time after the completion of said extension or extensions as, in the judgment of the council, circumstances justify the assessment of the cost thereof, the council shall cause a preliminary assessment to be made and the procedure thereafter to be followed with respect to such assessment and the force and effect thereof shall be as already prescribed for other assessments.

Sec. 6.155. Apportionment of Assessments.

In any case where one or more special assessments have been made, and property has been, or is about to be, subdivided, and it is desirable that the assessments be apportioned among the subdivisions of such property, the council may, upon application by the owner or owners, apportion the assessments among the subdivisions. Thereafter, each subdivision shall be relieved of any part of the original assessment except the part apportioned to the subdivision, and the part of the original assessment apportioned to any subdivision shall be of the same force and effect as the original assessment.

Sec. 6.156. Change of Ownership.

No change of ownership of any property or interest therein after the passage of a resolution ordering the making of a local improvement shall affect subsequent proceedings, and the improvement may be completed and assessments made therefor as if there had been no change in ownership.

Sec. 6.157. Lands Subject to Assessment.

No lands in the city, including railroad company lands and rights-of-way and property of the State of North Carolina, its agencies or subdivisions, shall be exempt from special assessments except lands belonging to the United States which are exempt under the provisions of Federal Statutes, and the council and the officers, trustees or boards of all incorporated or unincorporated bodies in whom is vested the right to hold and dispose of real property shall have the right by authority duly given to sign the petition for any local improvements.

Sec. 6.158. Proceedings in Rem.

All proceedings for special assessments shall be proceedings in rem, and no mistake or omission as to the name of any owner or person interested in any lot or parcel of land affected thereby shall be regarded as a substantial mistake or omission.

Sec. 6.159. Grass Plot and Driveway Maintenance.

It shall be the responsibility of the abutting property owner to maintain any grass plot or driveway between the property line and the curb of a paved street.

Sec. 6.160. Council May Hold in Abeyance Certain Water and Sewer Assessments.

(a) The city council may provide by resolution that assessments levied against abutting lots or parcels of land for water main improvements or sanitary sewer improvements, when in its opinion such improvements may not presently be used by the owner or owners of the abutting lots or parcels of land, may be held in abeyance without the payment of any interest thereon until such time as the council shall determine that any such assessments shall be paid in accordance with the terms set out in the confirming resolution. A part of the assessments, levied for the improvements herein set out on a street or streets, or portion thereof, may be held in abeyance as herein provided without holding all of said assessments in abeyance.

(b) All statutes of limitations, and particularly the statute of limitations provided for in Chapter 331, Section 1, of Public Laws 1929 (G. S. 160-93) are hereby suspended during the time that any assessment is held in abeyance without the payment of interest, as provided in subsection (a). Such time shall not be a part of the time limited for the commencement of action for the enforcement of the payment of any such assessment, and such action may be brought at any time within ten years from the date of the adpotion of a resolution by the council, determining that such assessment shall be paid in accordance with the original resolution confirming it.

(c) Nothing herein shall be construed to revive any right of action which has heretofore been barred by the statute of limitations.

Sec. 6.161. Abutting Property Outside City Limits.

If any lots or parcels of land abutting any local improvements are located outside the city limits, the council may continue and delay the levy of assessments against such property until the city limits are extended to include such property, or the council may provide that no water or sewer service connections shall be made to such property, pending the annexation thereof, until all assessments thereon are paid. Upon annexation, if not paid prior thereto, the council may levy assessments for such local improvements against such property, and the procedure therefor shall be the same as provided in this charter. Nothing contained in this Section shall be construed to prohibit or restrict the city council and a property owner from entering into an agreement for payments in lieu of assessments.

CHAPTER VII. MISCELLANEOUS

SUBCHAPTER A. CLAIMS AGAINST THE CITY.

Sec. 7.01. Presentation of Claims to City Council.

No action shall be instituted or maintained against the City of Greensboro upon any claim or demand whatever of any kind or character until the claimant shall have first presented in writing his or her claim or demand to the city council and the council shall have declined to pay or settle the same as presented, or for sixty days after presentation shall have neglected to enter or cause to be entered upon its minutes its determination in regard thereto. Nothing contained in this subchapter shall be construed to prevent any statute of limitations from commencing to run at the time when a claim accrued or demand arose, or in any manner to interfere with its running.

Sec. 7.02. Time for Presentation of Claims.

(a) Except as otherwise provided in this Section, no action for damages of any character whatever, to either person or property, shall be instituted against the city unless, within six months after the happening or infliction of the injury complained of, the complainant, his executor, administrator, guardian, or next friend shall have given notice in writing to the council of the injury, stating in the notice the date and place of the injury, the manner of infliction, the character of the injury, and the amount of damage claimed.

(b) No action shall be instituted against the city on account of damages to or compensation for real property used or taken by the city for any public purpose of any kind unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend shall have given notice in writing to the council of the claim, the notice to set forth the date that the alleged use commenced, a description of the property alleged to have been used, and the amount of damage or compensation claimed.

(c) Notwithstanding the provisions of subsection (a) and (b), if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of the physical or mental incapacity, provided that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the physical or mental incapacity, or within three years after the happening or infliction of the injury complained of, whichever is the longer period. The city at any time may request the appointment of a next friend to represent any person having a potential claim against the city and known to be suffering from physical or mental incapacity.

Sec. 7.03. Settlement of Claims by City Manager.

The city manager may settle claims against the city for (1) personal injury or for damages to property when the amount involved does not exceed the sum of five hundred dollars ($500.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred, and (2) the taking of small portions of private property which are needed for the rounding of corners at street intersections, when the amount involved in any such settlement does not exceed the sum of five hundred dollars ($500.00) and does not exceed the actual loss sustained. Settlement of a claim by the city manager pursuant to this Section shall constitute a complete release of the city from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such releases shall be subject to the approval of the city attorney.

Sec. 2. The purpose of this Act is to revise and reorganize the charter of the City of Greensboro (Chapter 37 of the Private Laws of 1923, as amended) and to consolidate into it certain local acts concerning the property, affairs and government of the city. Unless expressly indicated to the contrary in the following Sections (Sections 3 through 10) of this Act, it is not the intention to repeal but rather to re-enact with or without amendments, as the case may be, and to continue in force without interruption the provisions of said charter, so that all rights and liabilities that have accrued are preserved and may be enforced. For purposes of identification the term "Act of 1923" is used in Sections 3 through 10 of this Act to refer to Chapter 37 of the Private Laws of 1923, as amended.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following Acts, or amendments thereto, even though such Acts or amendments are not expressly set forth herein:

(a) Public-Local Laws 1913, Chapter 761, the "Guilford County Public Morals Act";

(b) Private Laws 1927, Chapter 217, concerning special assessment districts in Greensboro under general law;

(c) Public-Local Laws 1937, Chapter 170, concerning a special Guilford county tax for welfare purposes;

(d) Session Laws 1945, Chapter 436, ratifying an ordinance concerning the Greensboro War Memorial Fund Commission;

(e) Session Laws 1945, Chapter 934, concerning issuance of wine licenses in Greensboro;

(f) Session Laws 1947, Chapter 392, concerning the use of parking meter proceeds in Greensboro;

(g) Session Laws 1949, Chapter 764, concerning the Guilford County Board of Health;

(h) Session Laws 1951, Chapter 206, repealing Hamilton Lakes and Bessemer merger authorizations;

(i) Session Laws 1953, Chapter 1075, concerning speed zones near schools in Greensboro;

(j) Session Laws 1953, Chapter 730, Section 1, repealing an Act concerning temporary investment of bond proceeds;

(k) Session Laws 1955, Chapter 360, concerning additional insurance coverage for city employees in Greensboro;

(l) Session Laws 1957, Chapter 525, Sections 2 through 5, concerning county expenditures for emergency life saving and rescue services;

(m) Session Laws 1957, Chapters 418, 419, and 420 concerning, respectively, the Bessemer extension, the Hamilton Lakes merger, and a further extension, (except insofar as the descriptions in said Acts of the territories annexed are consolidated in Section 1.21 of the new charter); and

(n) Sections 101, 105, and 106 of the Act of 1923, concerning the repeal of a previous charter and the effective date of the Act of 1923.

Sec. 4. There is hereby repealed all of Section 6 of the Act of 1923 except the first and last sentences, the portion to be repealed being concerned with the membership of the city council until May 12, 1959.

Sec. 5. (a) This Act shall not be deemed to repeal, modify, nor in any manner to affect any validating laws applying to the City of Greensboro, including the following provisions of the Act of 1923 and of related special laws applying to the City of Greensboro:

Act of 1923: Sections 78(b), 78(c), 78(c)(1), 78(d), 78(d)(1), 80, 86(d), 86(e), 88, 102.

Related special laws: Private Laws 1927, Chapters 17 and 158; Private Laws 1929, Chapter 140; Private Laws of 1933, Chapter 130, Section 15; Public-Local Laws 1939, Chapter 208, Section 3; Public-Local Laws 1941, Chapter 66, Section 3; Session Laws 1947, Chapter 322, Sections 5 and 6; Session Laws 1953, Chapter 988, Section 4; Session Laws 1957, Chapters 953 and 961.

(b) As used in this Section the term "validating laws" means laws validating, approving, confirming, or legalizing official proceedings (including special assessment and annexation proceedings), actions (including dispositions of property or interests therein), contracts, or obligations of any kind.

Sec. 6. This Act shall not be deemed to repeal, modify, nor in any manner to affect any Acts concerning:

(a) The Greensboro-High Point Airport Authority, including Public-Local Laws 1941, Chapter 98, as amended.

(b) The property, affairs, or government of the city schools and school system, including Sections 21 through 32 of the Act of 1923; Session Laws 1949, Chapter 385, as amended; Public-Local Laws 1937, Chapter 27; Public-Local Laws 1939, Chapter 36; Session Laws 1943, Chapters 572 and 680; and Session Laws 1947, Chapter 396;

(c) The Municipal-County Court in Guilford County, including Section 89 of the Act of 1923, Public Laws 1909, Chapter 651, as amended, and Session Laws 1955, Chapter 971;

(d) The police emergency reserve fund, including Private Laws 1929, Chapter 164, as amended; and

(e) The firemen's supplemental retirement system, including Session Laws 1953, Chapters 899 and 931.

Sec. 7. The following Acts or parts of Act applying to two or more municipalities are repealed in their application to the City of Greensboro and, where so noted below, are consolidated into the charter:

(a) Private Laws 1924, Chapter 22, as amended, concerning the Greensboro Boxing Commission (consolidated into Section 4.01(b)(2));

(b) Private Laws 1927, Chapters 156, 220, and 224, concerning, respectively, ultimate street improvements, sewer charges, and assessments for local improvements (consolidated into Sections 6.51 through 6.56, 6.81, 6.83, 6.131 through 6.161);

(c) Public-Local Laws 1929, Chapter 237, concerning tax apportionment (consolidated into Section 4.62(c));

(d) Private Laws 1933, Chapter 130, Sections 1 through 14, concerning funding and refunding bonds;

(e) Public-Local Laws 1935, Chapter 549, concerning tax refunds;

(f) Session Laws 1949, Chapter 882, concerning approval of plats;

(g) Session Laws 1957, Chapter 525, Section 1, concerning municipal rescue squads (consolidated into Section 4.36).

Sec. 8. The following Acts and parts of Acts applying to the City of Greensboro are repealed and consolidated into the noted Sections of the charter:

(a) Session Laws 1945, Chapter 435, concerning the traffic bureau (consolidated into Section 5.121);

(b) Session Laws 1947, Chapter 322, Section 4, concerning awards for information leading to conviction of certain offenses (consolidated into Section 5.01);

(c) Session Laws 1953, Chapter 730 (except Section 1 thereof), concerning temporary investment of bond proceeds (consolidated into Section 4.71);

(d) Session Laws 1957, Chapter 963, concerning extraterritorial planning and other powers (consolidated into Section 5.62);

(e) Private Laws 1925, Chapter 210, as amended, concerning use of the city lake (consolidated into Section 6.41).

Sec. 9. The following Acts, having served the purposes for which they were enacted, are hereby repealed:

(a) Private Laws Extra Session 1924, Chapter 15; Public-Local Laws 1937, Chapter 14; Session Laws 1943, Chapter 567; Session Laws 1945, Chapters 80, 393; Session Laws 1947, Chapter 322, Section 3; all of which authorized the conveyance, sale, release or quitclaim of designated lands or interests in land;

(b) Public-Local Laws 1941, Chapter 104; Session Laws 1943, Chapter 62; and Session Laws 1949, Chapter 668; all of which authorized the copying from general election registration books of names of registered elector in precincts within the Greensboro city limits;

(c) Private Laws 1933, Chapter 109; Public-Local Laws 1939, Chapter 208; Public-Local Laws 1941, Chapter 66; Session Laws 1943, Chapter 276; all of which extended the time for payment of special assessments levied by the City of Greensboro; and

(d) Sections 90 through 99 and Sections 103 and 104 of the Act of 1923, all of said Sections being concerned with the transition from a previous charter.

Sec. 10. The following Acts applying to the City of Greensboro, and provisions of the Act of 1923, are repealed, as being obsolete under existing circumstances or unnecessary because of other provisions of law, or both:

(a) Special Acts.

(1) Private Laws Extra Session 1921, Chapter 130, the "Zoning and Street Improvement Act of 1921";

(2) Private Laws 1923, Chapters 112 and 83, concerning, respectively, the privy law and exclusions from debt limitations;

(3) Private Laws 1925, Chapter 31, as amended, concerning the World War Memorial Commission;

(4) Private Laws 1927, Chapter 1, concerning the Loyalty Fund;

(5) Private Laws 1929, Chapter 197, concerning assessment districts;

(6) Session Laws 1943, Chapter 213, concerning electric trolleys;

(7) Session Laws 1945, Chapter 483, concerning retirement or pension funds;

(8) Session Laws 1949, Chapter 746, concerning interest and discounts upon property taxes; and

(9) Session Laws 1949, Chapter 669, concerning an assistant judge of the juvenile court;

(b) Act of 1923 Provisions.

(1) The definitions preceding Section 1;

(2) Section 4, incorporating certain parts of the Consolidated Statutes;

(3) Section 16, concerning the purchasing agent;

(4) Section 18, concerning auditing;

(5) Section 19, concerning debt limitations;

(6) Section 45, concerning corrupt election practices;

(7) Sections 47 and 48, concerning public libraries;

(8) Subsections (b), (c), (g), (h), (j) through (o), (t), and (u) of Section 49, concerning powers of the city council;

(9) Section 52, concerning poll taxes;

(10) Section 60, concerning an opera house;

(11) Section 65, (except that portion thereof providing for a lien for charges for removal of garbage, slops, and trash);

(12) Section 65, concerning abatement of nuisances;

(13) Section 70, concerning street paving, etc.;

(14) Section 79(f), concerning lease of the city hall;

(15) Section 82(a), 2nd unnumbered paragraph, concerning damage claims from railroad grade crossings, etc.;

(16) Section 83, concerning cemetery land acquisitions, etc.; and

(17) Section 87, concerning debt limitations.

Sec. 11. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests:

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provision of law repealed by this Act.

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law so repealed.

Sec. 12. No law heretofore repealed, expressly or by implication, shall be revived by:

(a) The repeal herein of any Act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or affect enumerated laws.

Sec. 13. (a) All existing city ordinances and resolutions, and all existing rules or regulations of city departments or agencies, not inconsistent with the provisions of this Act shall continue in full force and effect until repealed, modified, or amended.

(b) All contracts, orders, leases, bonds, and other obligations or instruments entered into by the city or for its benefits prior to the effective date of this Act shall continue in full force and effect. Public improvements initiated prior to such date may be carried to completion in accordance with existing laws or with the provisions of this Act.

(c) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against or before the city or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

(d) Nothing in this Act, except as otherwise specifically provided, shall impair the rights of those who are city officers or employees upon its effective date. All persons then holding city offices or positions shall continue therein and in the performance of their duties until provision shall have been made for the performance of such duties or the discontinuance of their offices or positions.

(e) Any office, position, department, or agency provided for in this Act with a name or with powers and duties the same or substantially the same as those heretofore existing shall be deemed to be a continuation thereof. Any provision of any law, ordinance, resolution, regulation, rule, contract, grant, or other document relating to such a formerly existing office, position, department, or agency provided for in this Act with a name or with powers and duties the same or substantially the same as those heretofore existing, so far as not inconsistent with this Act, shall apply to those provided for in this Act.

(f) All extensions and purported extensions of the corporate limits of the City of Greensboro are hereby declared to be valid.

(g) All proceedings of the City Council of the City of Greensboro relating to local improvements, all work carried out according to such proceedings, and all assessments based thereon, are hereby declared to be valid.

Sec. 14. Section 143-129 of the General Statutes of North Carolina (Cumulative Supplement 1957), as the same applies to City of Greensboro,

Guilford County, is hereby amended by striking out the words and figures, "two thousand dollars ($2,000.00)," appearing in lines 5 and 6 and substituting in lieu thereof the following, "three thousand dollars ($3,000.00)."

Sec. 15. Section 147-8 of the General Statutes of North Carolina (Cumulative Supplement 1957), as the same applies to the City of Greensboro, Guilford County, is hereby amended by striking out the words, "seven cents per mile," appearing in the last line thereof, and substituting in lieu thereof the following, "an amount determined to be the proper mileage charge in the discretion of the city council."

Sec. 16. Section 147-9 of the General Statutes of North Carolina (Cumulative Supplement 1957), as the same applies to the City of Greensboro, Guilford County, is hereby amended by striking out the words, "seven cents per mile," appearing in line 6 thereof, and substituting in lieu thereof the following, "the amount fixed by the city council."

Sec. 17. Section 105-387(a) of the General Statutes of North Carolina, as the same applies to the City of Greensboro, Guilford County, is hereby amended by making said Section inapplicable to the City of Greensboro, Guilford County.

Sec. 18. Section 160-452 of the General Statutes of North Carolina, as the same applies to the City of Greensboro, Guilford County, is hereby amended by making said Section inapplicable to the City of Greensboro, Guilford County.

Sec. 19. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 20. General Repeal. All laws and clauses of law in conflict with the provisions of this Act are hereby repealed.

Sec. 21. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1091 CHAPTER 1138

AN ACT TO REPEAL CHAPTER 1034 OF THE SESSION LAWS OF 1953 RELATING TO FISHING IN THE WATERS OF BLADEN COUNTY DURING THE NIGHTTIME.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1034 of the Session Laws of 1953 is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1147

CHAPTER 1139

AN ACT PROVIDING THE MACHINERY FOR MAKING AND ADOPTING SCHOOL BUDGETS OF ADMINISTRATIVE SCHOOL UNITS AND FOR THE ACCOUNTING OF PUBLIC SCHOOL FUNDS.

The General Assembly of North Carolina do enact:

Section 1. School Budgets. (a) Each district school committee shall submit on or before April 15th of each year to the county superintendent of schools the estimated school needs for each school in the district, from which and from any other information available, the superintendent shall prepare, in such detail as the county board of education may require, a tentative county-wide school budget for the ensuing year. The district requests and the proposed county-wide school budget shall be submitted to the county board of education on or before the first Monday in May for study and consideration in the determination of the school program for all schools in the county administrative school unit and the preparation of the county-wide school budget, showing estimated school income by sources, including Federal funds, and estimated expenditures for the current year and for the ensuing year, as required by the provisions of G. S. 115-78, G. S. 115-80 and other applicable statutes.

(b) In a similar manner, for each school district which has voted a supplemental tax under the provisions of Chapter 115, Article 14, of the General Statutes, there shall be prepared a separate budget as provided in G. S. 115-124.

A copy of the approved county school budget and of each district supplemental tax budget shall be furnished to each member of the board of county commissioners and each member of the county board of education within fifteen days after approval by the board of county commissioners. Such budgets may be amended by official approval of the two boards and no obligations or expenditures may be made except in accordance with the approved budgets.

Sec. 2. School Personnel. The county board of education shall determine within the provisions of the General Statutes the number and salaries of all salaried permanent employees. Such number and salaries shall be changed only by action of the county board of education. Likewise, termination of the services of such personnel, subject to applicable statutes, shall be consummated only with the approval of the county board of education.

Sec. 3. Reports. The county superintendent of schools on the first Monday of each month shall submit to the county board of education a financial report on the county school budget and a report on each special tax district budget, giving information for the various items in the approved budgets as to income from all sources and disbursements for all purposes for the calendar month just closed and cumulative for the fiscal year. Also, a statement of unpaid outstanding obligations chargeable against each item of each budget shall be submitted monthly to the county board of education. The monthly report on the State Nine Months School Fund shall be available to the county board of education.

The monthly reports, as required by G. S. 115-91(3), of each treasurer of special individual school funds and of the principal of each school, showing the status of each fund, including unpaid outstanding obligations, shall be submitted to and reviewed by the district committee. Thereafter said monthly reports, together with the comments and recommendations of the district committee, shall be transmitted to the county superintendent of schools and submitted monthly by him to the county board of education.

Sec. 4. Supplemental Records. In addition to the records and accounts of receipts and expenditures on the budgets, the county superintendent of schools shall keep a record system which will show:

(a) The quantity and cost of all items furnished or purchased for each school, such as instructional and library supplies and materials, fuel, janitorial supplies, elementary and high school textbooks.

(b) The cost of replacement of furniture and instructional apparatus and the cost of maintenance of each school plant.

(c) All expenditures for capital outlay made for each school.

(d) A record of the quantity and cost of all purchases made from State, county or district funds so that at any time the commitments and outstanding obligations of each budget may be determined, all such purchases to be made in accordance with the provisions of G. S. 115-52. A report of all the foregoing shall be furnished monthly by the county superintendent to the county board of education.

Sec. 5. Disbursement of School Funds. School funds available to the county board of education shall be disbursed in accordance with G. S. 115-90. County and district school fund warrants, under the provisions of G. S. 115-90(2), in addition to the signatures of the chairman and secretary of the county board of education, shall be countersigned by the county auditor, as required by G. S. 153-131.

Sec. 6. The superintendent of schools shall, at the first meeting of the board of education during the fiscal year and at each monthly meeting thereafter, report to the county board of education all progress or accomplishments of constructional and maintenance nature, the individual cost of which exceeds one hundred dollars ($100.00). At the same time he shall report to the county board of education all such contemplated activity for the next month.

Sec. 7. Any person wilfully failing to perform the duties proposed by this Act shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court.

Sec. 8. This Act shall apply to Brunswick County only.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1184 **CHAPTER 1140**

AN ACT TO PROVIDE FOR THE CONDUCT OF PARTISAN PRIMARY ELECTIONS IN THE TOWN OF COLUMBUS IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. On the fourth Saturday next preceding the date of holding the general municipal election of the Town of Columbus, in Polk County, and continuing thereafter for each such general election, there shall be called, held and conducted under the direction of the Polk County Board of Elections at the expense of the Town of Columbus, by the election officials designated and appointed by the board of elections for that purpose, a partisan primary for the purpose of nominating from each political party a mayor and three members of the board of commissioners. All persons desiring to file in such primary shall declare their party affiliation with the election officials so designated in as nearly as possible the same manner as is provided for under the General Statutes of North Carolina for the conduct of the primaries for the nomination of candidates for county offices. The names of only those candidates nominated in such primary shall be placed on the general election ballot. The registration books shall be open on the sixth, seventh and eighth Saturdays next preceding the first Tuesday after the first Monday in May, when the general election is held. The fifth Saturday next preceding such general election shall be challenge day for the registration. In the event a runoff primary is required to determine the candidate for any political party, the runoff shall be held on the second Tuesday next preceding the date of the general election. In all respects, the primary election shall be governed by the general laws provided for primary elections in Article 19 of Chapter 163 of the General Statutes of North Carolina insofar as such general laws may be construed to apply to said municipal primary, and in all other respects where the general laws of the State cannot be construed to conform to the provisions of the procedures of a municipal primary, the said primary shall be governed by the rules and regulations to be adopted by the Polk County Board of Elections for such primary.

Sec. 1½. The ballots for the general municipal election shall be printed and distributed in accordance with the provisions of Section 163-155 of Article 20 of Chapter 163 of the General Statutes of North Carolina insofar as such general law may be construed to apply to said municipal election, and in all other respects where the general law of the State cannot be construed to conform to the provisions of the procedures of a municipal election, the said election shall be governed by the rules and regulations to be adopted by the Polk County Board of Elections for such municipal election.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1198 CHAPTER 1141

AN ACT EXTENDING THE TERRITORIAL JURISDICTION OF THE POLICE DEPARTMENT OF THE CITY OF ASHEVILLE TO THE NEW ASHEVILLE AIRPORT LOCATED IN HENDERSON AND BUNCOMBE COUNTIES AND TO MAKE THE ORDINANCES OF THE CITY OF ASHEVILLE AND THE PRIVILEGE LICENSE SCHEDULES OF SAID CITY APPLICABLE TO THE PROPERTY CONSTITUTING SAID AIRPORT.

The General Assembly of North Carolina do enact:

Section 1. That the Police Department of the City of Asheville shall have territorial jurisdiction throughout the areas comprising the new City of Asheville Airport located partly in Hooper's Creek Township, Henderson County, and partly in Limestone Township, Buncombe County; all ordinances of the City of Asheville shall be applicable to said territory to the same extent as if located within the corporate limits of the City of Asheville; and that the privilege license schedules of the City of Asheville shall be applicable to said territory to the same extent as if located within the corporate limits of the City of Asheville.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1223 CHAPTER 1142

AN ACT TO CREATE THE FRANKLIN COUNTY PEACE OFFICERS' RELIEF ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known and may be cited as the Franklin County Peace Officers' Relief Association Act.

Sec. 2. "Peace Officers" as used in this Act shall be deemed to include all law enforcement officers in Franklin County, who are duly sworn as peace officers in the county or any municipality within the aforesaid county or of the State of North Carolina who are regularly and duly stationed and assigned for duty in said county.

No person shall continue to be a member of the association created by this Act who has resigned, been removed from office, or who has otherwise ceased to be a law enforcement officer in Franklin County or the municipalities therein or who, if a State officer, is no longer regularly and duly stationed and assigned for duty in said county.

Sec. 3. The Franklin County Peace Officers' Relief Association shall be formed and the association shall include all peace officers who meet the requirements of Section 2 of this Act.

Peace officers who are entitled to membership in the association shall make application on forms to be furnished for the purpose, giving such

information as may be required by the executive board, and shall pay an initiation fee and annual dues to be fixed by the executive board: Provided, such initiation fee shall not exceed five dollars ($5.00) and such dues shall not exceed six dollars ($6.00) per year.

Sec. 4. For the purpose of determining the recipients of benefits under this Act and the amounts thereof to be disbursed, and for formulating and making such rules and regulations as may be essential for the equitable and impartial distribution of such benefits to and among the persons entitled to such benefits, there is hereby created a board to be known as "The Executive Board of the Franklin County Peace Officers' Relief Association", which shall consist of the Sheriff of Franklin County, the Chief of Police of the Town of Louisburg, and the Chief of Police of the Town of Franklinton, as ex officio members, and two representatives from the membership in Franklin County, said representatives to be elected by the membership in the county as hereinafter provided.

Within thirty (30) days after the ratification of this Act the eligible peace officers within Franklin County shall meet at a place and time designated by the sheriff of the county and elect from their number two representatives of the county to membership on the executive board. The representatives so elected shall serve until the next ensuing regular annual meeting of the county membership as provided in this Act, and thereafter said representatives shall serve for a term of one year or until their successors are duly elected. The membership within the county shall hold its regular annual meeting on the second Wednesday in January of each year, or as soon thereafter as practical, in such place as shall be designated by the sheriff of the county for the purpose of electing two representatives to membership on the executive board, and for the transaction of such other business as it may deem necessary. The executive board shall meet for the purpose of organizing and electing a chairman within ten (10) days after the election of the county representatives as herein provided. The said executive board may have such other meetings as may be necessary, which meetings shall be held on call by the chairman or any two members. A majority of the members of the executive board shall constitute a quorum for the transaction of business.

Notice of the adoption by the executive board of such rules and regulations as may be deemed necessary, and all amendments thereto, shall be made promptly to all members of the association.

There shall be kept in the office of the said executive board by the treasurer, records which shall give a complete history and record of all actions of the executive board in adopting rules and regulations. All records, papers, and other data shall be carefully preserved and turned over to the succeeding officers or board members.

Sec. 5. From and after July 1, 1959, in each criminal case finally dispose of in the criminal courts of Franklin County, wherein the defendant is convicted or enters a plea of nolo contendere and is against the prosecuting witness, there shall be assessed against said convicted person or against such prosecuting witness as the case may be, one dollar and fifty cents ($1.50) additional costs to be collected as other costs are collected

in criminal cases by justices of the peace, clerks, or other officers of court authorized to receive costs; provided, that the additional cost of one dollar and fifty cents ($1.50) herein provided for shall not be assessed in cases of abandonment and nonsupport.

Such costs collected for the Franklin County Peace Officers' Relief Association shall be turned over to the sheriff of the county not later than the 10th day of each month, with a detailed report giving the name of the defendant in each case in which the amount was collected. The sheriff shall within ten (10) days remit the same to the treasurer of the association, together with the itemized report received by him. Any justice of the peace, sheriff, clerk or officer of the court who wilfully fails to make such report within such time, or who knowingly fails to report any item taxed and collected as herein provided, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, within the discretion of the court.

Sec. 6. The executive board herein referred to may take by gift, grant, devise, or bequest, any money, real or personal property, or other things of value and hold or invest these things for the uses of said association in accordance with the purposes of this Act.

And the executive board shall have the authority to invest initiation fees and annual dues not immediately needed in any securities of the United States Government, of the State of North Carolina, or of any of the several counties or municipalities of the State of North Carolina, or in certificates of deposit in any bank or trust company authorized to do business in North Carolina in which the deposits are guaranteed by the Federal Deposit Insurance Corporation not to exceed the sum of ten thousand dollars ($10,000.00) in any one bank or trust company, or in the shares of Federal Savings and Loan Associations and State-chartered building and loan associations not to exceed ten thousand dollars ($10,000.00) in any one of such associations; provided that no such funds may be so invested in a State-chartered building and loan association unless guaranteed by the Federal Deposit Insurance Corporation.

Sec. 7. The money paid into the Franklin County Peace Offices' Relief Association shall be used for the purpose of paying the premiums on group insurance policies purchased pursuant to the provisions of this Act and for the administration and enforcement of this Act.

Sec. 8. The Treasurer of the Franklin County Peace Officers' Relief Association shall be elected annually by the executive board and shall be a member of the board at the time of his election. He shall give a good and sufficient bond, and the cost of the bond shall be paid from the funds of the association.

Sec. 9. Members of the executive board, with the exception of the treasurer, shall serve without compensation. Necessary office supplies and medical advisory fees, and compensation of the treasurer as the executive board shall determine, and any other administrative expenses which the executive board may deem necessary may be paid out of the funds of the association.

Sec. 10. The executive board shall use the funds derived under this Act for the purpose of purchasing group insurance for the members of the Franklin County Peace Officers' Relief Association against death or disability, or both, during the terms of their membership, under forms of insurance known as group insurance. At the end of each calendar or fiscal year of the association, if it operates on a fiscal-year basis, the association shall refund to Franklin County the surplus funds of the association (not including initiation fees and annual dues) which are not needed for the purpose of this Act. The funds thus returned shall be placed in the general fund of the county.

Sec. 11. The treasurer and the executive board of the association shall make a report of all receipts and disbursements of the preceding year at each regular annual meeting of the membership of the said county, and shall send a copy of such report, together with any refund to be made, to the board of commissioners of the county. The report shall be entered by the board of commissioners receiving the same upon its official minutes.

Sec. 12. Membership of the Franklin County Peace Officers' Relief Association, or the receiving of benefits therefrom, because of insurance purchased as provided in this Act, shall not be construed to be in conflict with or to prevent membership in either the Local Governmental Employees' Retirement System, the Law Enforcement Officers' Benefit and Retirement Fund, or the Teachers' and State Employees' Retirement System.

Sec. 13. From and after July 1, 1959, the peace officers within Franklin County as herein defined shall not be members of the Quad-County Peace Officers' Relief Association, and no funds collected in Franklin County shall be paid to the Quad-County Peace Officers' Relief Association, and after said date the provisions of Chapter 1097 of the Session Laws of 1951 shall not apply to Franklin County.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed, and if any Section hereof be decided by the court to be invalid or unconstitutional, the same shall not affect the validity of this Act as a whole or any part thereof, other than the part decided to be unconstitutional or invalid.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1231 CHAPTER 1143

AN ACT TO PROHIBIT ANY PERSON FROM HUNTING DEER WITH A RIFLE HAVING A BORE LARGER THAN TWENTY-TWO (.22) CALIBER.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to hunt deer with a rifle of a larger bore than twenty-two (.22) caliber.

Sec. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined a sum not to exceed fifty dollars ($50.00) or imprisonment not to exceed thirty (30) days, or both, in the discretion of the court.

Sec. 3. This Act shall apply to Scotland County only.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1235 CHAPTER 1144

AN ACT TO PROVIDE FOR THE CONSOLIDATION AND MERGER OF THE TOWN OF BERTIE AND THE TOWN OF WINDSOR AND TO EXTEND THE LIMITS OF THE TOWN OF WINDSOR.

The General Assembly of North Carolina do enact:

Section 1. That the present town limits of the Town of Windsor be, and they are hereby, extended to include the following boundaries to wit:

Beginning at a point in the existing corporate limits of the Town of Windsor, said point being in the run of the Cashie River and said point being further referenced as being located on the projection of the center line of South York Street and running thence from said point of beginning South 75 degrees East 400 feet, more or less, to a point, the northwest corner of the corporate limits of the Town of Bertie; thence with the western corporate limits boundary of the Town of Bertie South 24 degrees 30 minutes West 350 feet; thence South 13 degrees 0 minutes West 710 feet to a point in the center of U. S. Highway No. 17; thence continuing with the western corporate limits of the Town of Bertie South 32 degrees 30 minutes West 1450 feet to a point, the southwest corner of the corporate limits of the Town of Bertie; thence North 35 degrees 0 minutes West 850 feet, more or less, to the center of a trestle in the corporate limit line of the Town of Windsor, said trestle being over a creek and located approximately 1550 feet, more or less, down the Cashie River from the U. S. Highway No. 17 crossing of said river; thence in a northeasterly line and with the run of the Cashie River (the corporate line of the Town of Windsor) to the point of beginning.

Sec. 2. That the Town of Bertie, a municipal corporation of the County of Bertie, duly created and existing under the laws of North Carolina, be and the same is hereby, consolidated and merged into the Town of Windsor, a municipal corporation of the County of Bertie, duly created and existing under the laws of North Carolina; and from and after July 1st, 1961 both of said municipalities shall be and continue as one municipal corporation under the name and style of the Town of Windsor; and thereafter, all of the territory now embraced in the Town of Bertie and the Town of Windsor, including the territory described in Section 1 in this Act shall constitute the corporate area of the Town of Windsor, which shall continue

as a municipal corporation with all of the powers and privileges therefore enjoyed by it, and the territory heretofore embraced in the Town of Bertie shall thereafter be a part of the corporate area of the Town of Windsor.

Sec. 3. That at the regular election of the Town of Windsor to be held on the Tuesday after the first Monday in May, 1961, all qualified voters residing in the area now constituting the present corporate limits of the Town of Bertie shall have the right to vote for the mayor and commissioners of the Town of Windsor, and the qualified voters of said Town of Bertie shall be duly registered upon the registration books of said Town of Windsor prior to the general election to be held in May, 1961.

Sec. 4. That on July 1st, 1961, all assets of the Town of Bertie, including cash, bonds, notes, taxes due, accounts receivable, tax sales certificates and all other property or assets of whatsoever kind or nature and all records and other official papers of said town shall be transferred and assigned to the Town of Windsor and transferred to the office of the town clerk.

Sec. 5. That on July 1, 1961, all tax lists and abstracts made by the Town of Bertie for the year 1961 shall be transferred to the Town of Windsor and all property located in the area heretofore the Town of Bertie shall be taxed by the governing body of the Town of Windsor for the year 1961 on the same basis as tax levied against the property of the Town of Windsor.

Sec. 6. That on July 1, 1961 all provisions of the Charter and ordinances of the Town of Windsor shall become effective in the area formerly constituted within the boundaries of the Town of Bertie and all ordinances of the Town of Bertie are hereby repealed.

Sec. 7. If any part of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, the General Assembly expressly declares that it would have passed the remaining parts of this Act if it had known such part or parts thereof would be declared unconstitutional.

Sec. 8. All laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1283 CHAPTER 1145

AN ACT TO ANNEX TO BUNCOMBE COUNTY THAT PART OF THE ASHEVILLE PROPERTY LOCATED IN HENDERSON COUNTY.

WHEREAS, the City of Asheville, in Buncombe County, has recently purchased property located partly in Buncombe County and partly in Henderson County and is developing thereon a modern airport to serve all of Western North Carolina; and

WHEREAS, in consideration of a conveyance to it by the City of Asheville of a part of the old Asheville-Hendersonville Airport property, Hen-

derson County is willing to cede to Buncombe County that part of the Asheville Airport property now located within the bounds of Henderson County; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the boundary line between Henderson County and Buncombe County be and the same is hereby changed and relocated so as to divest Henderson County of all the territory included within the boundaries hereinafter described and vest and include all of said territory in Buncombe County and the said territory shall become and be a part of Buncombe County. Said lands to be included within the new boundaries of Buncombe County are bounded and more particularly described as follows:

BEGINNING at a concrete monument located at a point where the Buncombe-Henderson County line intersects the western boundary line of the W. L. Pearson 23-acre tract, and said concrete monument also located North 89 degrees 22 minutes East 2908.0 feet from the mouth of county line branch at the left bank of French Broad River, and runs thence with said county line, as established by an Act of the Legislature of North Carolina in 1851, recorded in Laws of North Carolina, 1850-1851, Chapter XLV, Page 113-114, ratified 23rd January 1851 that defines the line between Henderson and Buncombe Counties as running on a true line between the mouth of Burn's Branch and the point of Burney Mountain, North 89 degrees 22 minutes East 3675.9 feet to a concrete monument in a line of the Pinner tract. Thence with the said Pinner line South 85 degrees 03 minutes East 463.0 feet to an iron pin, said Pinner corner. Thence South 5 degrees 18 minutes West 749.17 feet to a concrete monument, Pinner's corner. Thence South 85 degrees 20 minutes East 98.9 feet to the center of the Buck Shoal's Road, also Pinner's corner. Thence with the center of said road South 18 degrees 18 minutes West 331.0 feet to a point where the center line of Buck Shoal's Road intersects the center line of the Boiling Springs Road, Coleen Lance and Pinner corner. Thence down and with the center of the Boiling Springs Road, South 17 degrees 44 minutes West 413.0 feet; South 7 degrees 29 minutes West 354.5 feet; South 34 degrees 08 minutes West 455.0 feet and South 28 degrees 48 minutes West 154.0 feet to a point in the center of said road, the common corner of the Coleen Lance tract and the Case tract. Thence still with the center of said road, South 20 degrees 35 minutes West 100.0 feet; South 9 degrees 58 minutes West 100.0 feet; and South 2 degrees 47 minutes East 120.18 feet to the common corner of the Case, Rogers and Francis tracts. Thence with the North boundary line of said Rogers tract, South 89 degrees 31 minutes East 419.97 feet to an 18-inch white oak. Thence with the Rogers East boundary line, South 3 degrees 50 minutes West 188.27 feet to a pine stump, common corner of the Rogers and Lucille Sales tracts. Thence with the lines of the said Sales tract, South 86 degrees 24 minutes East 1268.4 feet to an 18-inch post oak, Sam Lance's corner. Thence still with the Sales lines, South 89 degrees 30 minutes East 638.0 feet to the center of a public road. Thence with the center of said road, South 4 degrees 08 minutes West 477.9 feet. Thence still with the center of said road as follows: South 8 degrees 00 minutes East 100.0 feet; North 71

degrees 00 minutes East 21.0 feet, to an iron pin, in the H. M. Lance, Jr. line. Thence with said line, South 3 degrees 20 minutes West 764.4 feet to the center of the Fanning Bridge Road, Sales and City Loans, Inc. tract corner. Thence with the East boundary line of the City Loans, Inc. tract, South 3 degrees 07 minutes West 1418.53 feet to a 2½-inch pipe filled with concrete. Thence still with the East boundary line of the City Loans, Inc. tract, South 4 degrees 14 minutes West 2094.34 feet to an iron pipe set in concrete, said iron pipe located in the old Sales (now Geo. Westfeldt) line. Thence with said line, North 86 degrees 16 minutes West 1140.0 feet to the most easterly corner of an 11.41-acre tract conveyed to the City of Asheville by Geo. Westfeldt. Thence with the South boundary line of said 11.41-acre tract, South 70 degrees West 515.6 feet to a stake in the East boundary line of a strip (light lane) of land, 150 feet wide, said strip having been leased to the City of Asheville by Geo. Westfeldt, under a perpetual lease. Thence with the East line of said strip, South 19 degrees 42 minutes East 2250.0 feet to the southeast corner of same. Thence South 70 degrees 18 minutes West 150.0 feet to the southwest corner of same. Thence with the West line of said strip (light lane) North 19 degrees 42 minutes West 2250.0 feet to a stake in the South boundary line of the aforesaid 11.41-acre tract. Thence with said line, South 70 degrees 18 minutes West 802.0 feet to the southwest corner of said 11.41-acre tract. Thence with the northwest boundary line of said tract, North 32 degrees 26 minutes West 694.4 feet to a stake in the old Sales (now Geo. Westfeldt) line. Thence with said line, North 86 degrees 02 minutes West 1196.17 feet to a pipe in concrete (formerly a hickory) on the right bank of French Broad River. Thence down and with the right bank of said river, North 52 degrees 24 minutes West 668.6 feet to a monument (formerly a hickory) the southeast corner of the Roy Ward tract. Thence still down and with the right bank of said river, North 50 degrees 52 minutes West 230.0 feet and North 47 degrees 14 minutes West 249.62 feet to a stake, the southwest corner of the Roy Ward tract. Thence with the northwest line of said tract, North 40 degrees 49 minutes East 1326.18 feet to a stone in said line, corner of the E. J. W. Bunting tract. Thence with the southwest line of the Bunting tract, and the Claude Lance line, North 49 degrees 13 minutes West 347.13 feet to a large post oak, Bunting and Lance corner. Thence, North 22 degrees 33 minutes East 70.0 feet to the center of the Fanning Bridge Road. Thence up and with the center of said road, North 33 degrees 27 minutes East 900.0 feet, North 55 degrees 59 minutes East 61.6 feet, North 77 degrees 51 minutes East 124.1 feet, and South 84 degrees 08 minutes East 100.0 feet to a point in the center of said Fanning Bridge Road said point located 750.0 feet West of the airport runway center line. Thence with a new line, parallel with, and 750.0 feet West of the center line of the airport runway, North 19 degrees 42 minutes West 3558.0 feet to an iron pin in the South boundary line of the W. L. Pearson 43.6-acre tract. Thence with said line, North 87 degrees 52 minutes West 829.33 feet to a stone, the southwest corner of said 43.6-acre tract. Thence with the West boundary line of said tract, North 4 degrees 28

minutes East 315.63 feet to a 10-inch white oak. Thence still with said line, North 3 degrees 42 minutes East 699.6 feet to a stone, the northwest corner of said 43.6-acre tract. Thence with the West boundary line of the W. L. Pearson 23-acre tract, North 3 degrees 41 minutes East 357.82 feet to the point of BEGINNING.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1287 CHAPTER 1146

AN ACT AUTHORIZING THE COUNTY OF GASTON TO EXPEND CERTAIN SURPLUS DEBT SERVICE FUNDS FOR THE CONSTRUCTION, EQUIPPING, OPERATING AND MAINTAINING OF A NATURE MUSEUM.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Gaston County is hereby authorized, in its discretion, to divert a sum not to exceed forty thousand dollars ($40,000.00) from the accumulated Debt Service Fund of the county for the purpose of providing funds for the construction, equipping, operating and maintaining of a nature museum.

Sec. 2. That the Board of Commissioners of Gaston County be and it is hereby authorized, in its discretion, to call and conduct a referendum election on the above subject, such election to be held at the regular general election in November, 1960.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1297 CHAPTER 1147

AN ACT TO AMEND G. S. 9-5 RELATING TO THE COMPENSATION OF JURORS IN GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-5, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding at the end of the first paragraph thereof the following:

"Provided, that in Graham County, all jurors summoned for service in the Superior Court of said county shall receive as compensation for their services eight dollars ($8.00) per day."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1299 CHAPTER 1148

AN ACT AMENDING CHAPTER 1097, SESSION LAWS OF 1953 RELATING TO THE EMERGENCY RESERVE FUND FOR LAW ENFORCEMENT OFFICERS IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 5 of Chapter 1097, Session Laws of 1953, be and the same is hereby amended by adding at the end thereof the following:

"The provisions of this Section shall be applicable to all courts having jurisdiction in criminal cases in Cabarrus County."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1300 CHAPTER 1149

AN ACT TO AMEND CHAPTER 47 OF THE GENERAL STATUTES RELATING TO THE PROBATE AND RECORDING OF INSTRUMENTS BY THE CLERKS OF SUPERIOR COURT AND REGISTERS OF DEEDS OF CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-13, as the same appears in Volume 2A of the General Statutes, is hereby amended by adding a new Section immediately following G. S. 47-13.1 to be designated as G. S. 47-13.2 and to read as follows:

"G. S. 47-13.2. No instrument, document or paper writing required or permitted by law to be registered shall be accepted for probate or registration by any Clerk of Superior Court or Register of Deeds unless there shall appear on the instrument, document or paper writing the name and address of the person who drafted said instrument, document or paper writing, or unless in some similar manner the draftsman shall be designated thereon or therewith; and it shall be the duty of the Clerk of Superior Court or Register of Deeds who accepts such instrument for probate or registration to record with said instrument the name and address of the person drafting said instrument, or such other designation identifying the draftsman as appears thereon or therewith; provided that any of the aforesaid instruments or documents or paper writings may be allowed for probate or registration where it shall be established to the satisfaction of the Clerk or the Register of Deeds that after due diligence

the draftsman cannot be determined or is deceased. This Act shall not apply to any judgments, orders or decrees entered by any court in civil, criminal or special proceedings, or other official documents issued by any governmental official or agency."

Sec. 2. This Act shall apply to Cabarrus County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1311 CHAPTER 1150

AN ACT AMENDING CHAPTER 235, PRIVATE LAWS OF 1905, RELATING TO MUNICIPAL ELECTIONS IN THE TOWN OF DUNN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 235 of the Private Laws of 1905 is hereby amended by rewriting Sections 5 and 6 to read as follows:

"Sec. 5. Election of Mayor and Commissioners. (a) Chapter 750 of the Public Laws of 1901 shall not apply to the Town of Dunn.

"(b) There shall at the regular municipal election to be held on the first Tuesday after the first Monday in May, 1961, and biennially thereafter, be elected from among the duly registered and qualified voters of the town a mayor and two commissioners, who shall hold their respective offices until their successors are duly elected and qualified, such election to be held and conducted under the direction of the Mayor and Board of Commissioners of the Town of Dunn. Provided, that at a meeting to be held on the first Monday of March of each year in which an election is to be held such mayor and board of commissioners shall make, and within one week thereafter publish by posting in four public places in said town, and otherwise as they may deem meet and proper, rules and regulations under which said municipal election and primary election are to be held; provided further that such rules and regulations when so made shall be spread upon the minutes of the Board of Commissioners of the Town of Dunn; provided further that if in any year no such rules and regulations are made, then such election shall be held and conducted under the rules and regulations governing the preceding election. In such regular municipal elections the candidate receiving the largest number of votes for mayor shall be declared the duly elected mayor for the ensuing term of two years, and the candidates receiving the largest number of votes for commissioner shall be declared the duly elected commissioners for the next ensuing term of four years.

"Sec. 6. Primary Election; Time, Candidates, Terms and Provisions. The municipal primary election, if one be required, for the nomination of candidates for the offices of mayor and commissioners shall be held on the third Tuesday after the first Monday in April, preceding the regular municipal election. Such primary shall be a nonpartisan primary and all residents of the Town who are registered and qualified to vote in the

regular municipal election shall be qualified and eligible to vote in the primary election. All candidates to be voted for at regular municipal elections for mayor and commissioners shall be nominated in the municipal primary election under the following terms, provisions and conditions:

"(a) Any person desiring to become a candidate for nomination for mayor or commissioner shall, at least ten days prior to the date of the primary election, file with the town clerk of the Town of Dunn a sworn statement of such candidacy, on a form approved and furnished by the said clerk showing the name, address, and length of residence in the Town of Dunn of the candidate, the office he seeks, and the request that his name be placed on the official ballot for nomination to such office. At the time such statement is filed the candidate filing same shall pay the said clerk a filing fee of five dollars ($5.00) to be turned over to the city treasurer.

"(b) The two candidates receiving the highest number of votes for mayor and the two candidates receiving the highest number of votes for commissioner in each of said wards in the primary election, shall be the nominees for their respective offices whose names shall be placed upon the official ballot for such respective offices at the regular municipal election following.

"(c) In the event there should be an equal number of votes for two or more persons for either the office of mayor or commissioner and such tie or ties must be resolved in order to determine the identity of the nominees for the respective offices in the municipal election, then the old board of commissioners shall, at an immediate call meeting, select two disinterested electors from each ward in the Town of Dunn, not in the employ of the town, such eight persons when so selected, together with the mayor and board of commissioners, to vote upon such tie or ties by written ballot, the two persons receiving the largest number of the thirteen votes so cast to be certified as the winner of said primary election.

"(d) If there be two or less candidates to file for nomination for the office of mayor, then it shall not be necessary to hold a municipal primary for nomination of such office and the one or two candidates that file shall be certified by the town clerk as the nominee or nominees for mayor to be voted for in the ensuing regular municipal election.

"(e) If there be two or less candidates to file for nomination for the office of commissioner in each of the two said wards, then it shall not be necessary to hold a municipal primary for such offices and all of the candidates that file shall be certified by the town clerk as nominee or nominees for commissioner to be voted for in the ensuing regular municipal election.

"(f) All persons who are qualified under the laws of the State of North Carolina to vote for members of the General Assembly and shall have resided in the Town of Dunn for four months next preceding the regular municipal election and have duly registered, shall be qualified voters of said town in the primary election and in the regular municipal election."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1312 CHAPTER 1151

AN ACT AMENDING CHAPTER 674, SESSION LAWS OF 1955, SO AS TO REMOVE BUNCOMBE FROM THE LIST OF COUNTIES TO WHICH THE PROVISIONS OF SAID ACT AMENDING G. S. 14-414 RELATING TO THE SALE, POSSESSION, AND USE OF EXPLOSIVE CAPS DESIGNED TO BE FIRED IN TOY CAP PISTOLS, DO NOT APPLY.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 674, Session Laws of 1955, be and the same is hereby amended by deleting the word "Buncombe" appearing at the end of the first line of said Section.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1315 CHAPTER 1152

AN ACT REWRITING SECTION 3 OF CHAPTER 1060, SESSION LAWS OF 1951 RELATING TO THE COMPENSATION OF THE TAX COLLECTOR OF WILSON COUNTY, HIS DEPUTIES AND CLERICAL ASSISTANTS.

The General Assembly of North Carolina do enact:

Section 1. That Section 3 of Chapter 1060, Session Laws of 1951, be and the same is hereby rewritten to read as follows:

"Sec. 3. That the Board of County Commissioners of Wilson County be and it is hereby authorized in its discretion: to fix the salary of the tax collector of said county at not to exceed fifty-one hundred dollars ($5100.00) per year; to fix the salary of each of the two deputy tax collectors of said county at not to exceed thirty-six hundred dollars ($3600.00) per year; to fix the compensation of the clerical assistants of said office at such amounts that the total compensation paid for clerical and stenographic work shall not exceed five thousand dollars ($5,000.00) per year; and to allow not to exceed twelve hundred dollars ($1200.00) per year as a travel allowance for the tax collector and his two deputies. All the foregoing salaries shall be paid monthly from the general fund of the county."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1316 **CHAPTER 1153**

AN ACT TO REQUIRE THE REMOVAL OF ABANDONED BOATS OR OTHER WATERCRAFT ALONG THE SHORES OR IN THE WATERS OF CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Any person, firm or corporation who or which shall abandon any boat, barge, or other watercraft along the shores of or in the waters of the Chowan River, Edenton Bay, Pembroke Creek, Filberts Creek, Queen Anne's Creek in Chowan County, shall, within sixty (60) days after such abandonment, or earlier upon written notice by the Sheriff of Chowan County, remove or cause to be removed such watercraft from the shores and waters of said water courses. Failure to remove such watercraft within the time herein specified shall be prima facie evidence of a violation of this Act. Any such watercraft which shall be and remain sunken, lying on the bottom of such water courses, or unattended for a period of sixty (60) days shall be conclusively presumed to have been abandoned within the meaning of this Act.

Sec. 2. Any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine or imprisonment, or both, in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1318 **CHAPTER 1154**

AN ACT AUTHORIZING THE TRYON CITY BOARD OF EDUCATION TO USE CERTAIN SURPLUS TAX FUNDS FOR ITS 1959-60 CAPITAL OUTLAY BUDGET.

The General Assembly of North Carolina do enact:

Section 1. That the Tryon City Board of Education be and it is hereby authorized to use for its 1959-60 capital outlay budget, certain accumulated tax funds arising from the levy of the special bond tax authorized by Chapter 83, Session Laws of 1955, and not presently needed for the payment of the principal of and the interest on the outstanding school bonds.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1338 **CHAPTER 1155**

AN ACT TO CREATE THE WARREN COUNTY PEACE OFFICERS' RELIEF ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known and may be cited as the Warren County Peace Officers' Relief Association Act.

Sec. 2. "Peace Officers", as used in this Act, shall be deemed to include all law enforcement officers in Warren County who are active peace officers in said county or any municipality therein, or of the State of North Carolina while they are regularly and duly stationed and assigned for duty in Warren County, and devote fifty per cent (50%) or more of their time to active law enforcement. All constables of Warren County presently in office shall be eligible to membership in said association regardless of whether they devote fifty per cent (50%) of their time to active law enforcement.

No person shall continue to be a member of the association created by this Act who has resigned, been removed from office, or who has otherwise ceased to be a law enforcement officer in Warren County or the municipalities therein or who, if a State officer, is no longer regularly and duly stationed and assigned for duty in said county.

Sec. 3. The Warren County Peace Officers' Relief Association shall be formed and the association shall include all peace officers who meet the requirements of Section 2 of this Act. In the event of a question arising as to who is an active peace officer, the executive board shall decide the eligibility of any applicant or member.

Peace officers who are entitled to membership in the association shall make application on forms to be furnished for the purpose, giving such information as may be required by the executive board, and shall pay an initiation fee and annual dues to be fixed by the executive board; Provided, such initiation fee shall not exceed five dollars ($5.00) and such dues shall not exceed six dollars ($6.00) per year.

Sec. 4. For the purpose of determining the recipients of benefits under this Act and the amounts thereof to be disbursed, and for formulating and making such rules and regulations as may be essential for the equitable and impartial distribution of such benefits to and among the persons entitled to such benefits, there is hereby created a board to be known as "The Executive Board of the Warren County Peace Officers' Relief Association", which shall consist of the Sheriff of Warren County, as an ex officio member, and two representatives from the membership in Warren County, said representatives to be elected by the membership in the county as hereinafter provided.

Within thirty (30) days after the ratification of this Act, the eligible peace officers within Warren County shall meet at a place and time designated by the sheriff of the county and elect from their number two representatives of the county to membership on the executive board. The representatives so elected shall serve until the next ensuing regular annual meeting of the county membership as provided in this Act, and there-

after said representatives shall serve for a term of one year or until their successors are duly elected. The membership within the county shall hold its regular annual meeting on the second Wednesday in January of each year, or as soon thereafter as practicable, in such place as shall be designated by the sheriff of the county for the purpose of electing two representatives to membership on the executive board, and for the transaction of such other business as it may deem necessary. The executive board shall meet for the purpose of organizing and electing a chairman within ten (10) days after the election of the county representatives as herein provided. The said executive board may have such other meetings as may be necessary, which meetings shall be held on call by the chairman or any two members. A majority of the members of the executive board shall constitute a quorum for the transaction of business.

Notice of the adoption by the executive board of such rules and regulations as may be deemed necessary, and all amendments thereto, shall be made promptly to all members of the association.

There shall be kept in the office of the said executive board by the treasurer, records which shall give a complete history and record of all actions of the executive board in adopting rules and regulations. All records, papers, and other data shall be carefully preserved and turned over to the succeeding officers or board members.

Sec. 5. From and after December 15, 1959, in each civil or criminal case finally disposed of in the civil or criminal courts of Warren County, wherein the defendant is convicted or enters a plea of nolo contendere and is assessed with the payment of costs, or where the costs are assessed against the prosecuting witness, or where the costs are assessed against either the plaintiff or the defendant in a civil case, there shall be assessed against said convicted person or against such prosecuting witness or party to a civil action, as the case may be, one dollar ($1.00) additional costs to be collected as other costs are collected in civil or criminal cases by justices of the peace, clerks, or other officers of court authorized to receive costs; provided, that the additional cost of one dollar ($1.00) herein provided for shall not be assessed in cases of abandonment or nonsupport.

Such costs collected for the Warren County Peace Officers' Relief Association shall be turned over to the sheriff of the county not later than the tenth day of each month, with a detailed report giving the names of the parties in each case in which the amount was collected. The sheriff shall within ten (10) days remit the same to the treasurer of the association, together with the itemized report received by him. Any justice of the peace, sheriff, clerk or officer of the court who wilfully fails to make such report within such time, or who knowingly fails to report any item taxed and collected as herein provided, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, within the discretion of the court.

Sec. 6. The executive board herein referred to may take by gift, grant, devise, or bequest, any money, real or personal property, or other things of value and hold or invest the same for the uses of said association in accordance with the purposes of this Act. And the executive board shall have the authority to invest initiation fees and annual dues not immediately

needed in any securities of the United States Government, of the State of North Carolina, or of any of the several counties or municipalities of the State of North Carolina, or in certificates of deposit in any bank or trust company authorized to do business in North Carolina in which the deposits are guaranteed by the Federal Deposit Insurance Corporation not to exceed the sum of ten thousand dollars ($10,000.00) in any one bank or trust company, or in the shares of Federal Savings and Loan Associations and State-chartered building and loan associations not to exceed ten thousand dollars ($10,000.00) in any one of such associations; provided that no such funds may be so invested in a State-chartered building and loan association unless guaranteed by the Federal Deposit Insurance Corporation.

Sec. 7. The money paid into the Warren County Peace Officers' Relief Association shall be used for the purpose of paying the premiums on group insurance policies purchased pursuant to the provisions of this Act and for the administration and enforcement of this Act.

Sec. 8. The Treasurer of the Warren County Peace Officers' Relief Association shall be elected annually by the executive board and shall be a member of the association at the time of his election. He shall give a good and sufficient bond, and the cost of the bond shall be paid from the funds of the association.

Sec. 9. Members of the executive board shall serve without compensation. Necessary office supplies and medical advisory fees, and compensation of the treasurer as the executive board shall determine, and any other administrative expenses which the executive board may deem necessary may be paid out of the funds of the association.

Sec. 10. The executive board shall use the funds derived under this Act for the purpose of purchasing group insurance for the members of the Warren County Peace Officers' Relief Association against death or disability, or both, during the terms of their membership, under forms of insurance known as group insurance. At the end of each calendar or fiscal year of the association, if it operates on a fiscal-year basis, the association shall refund to Warren County the surplus funds of the association (not including initiation fees and annual dues) which are not needed for the purpose of this Act. The funds thus returned shall be placed in the general fund of the county.

Sec. 11. The treasurer and executive board of the association shall make a report of all receipts and disbursements of the preceding year at each regular annual meeting of the membership of the said county, and shall send a copy of such report, together with any refund to be made, to the board of commissioners of the county. The report shall be entered by the board of commissioners upon its official minutes.

Sec. 12. Membership in the Warren County Peace Officers' Relief Association, or the receiving of benefits therefrom, because of insurance purchased as provided in this Act, shall not be construed to be in conflict with or to prevent membership in either the Local Governmental Employees' Retirement System, the Law Enforcement Officers' Benefit and Retirement Fund, or the Teachers' and State Employees' Retirement System.

Sec. 13. From and after December 15, 1959, the peace officers within Warren County as herein defined shall not be members of the Quad-County Peace Officers' Relief Association, and no funds collected in Warren County shall be paid to the Quad-County Peace Officers' Relief Association, and after said date the provisions of Chapter 1097 of the Session Laws of 1951 shall not apply to Warren County.

Sec. 14. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed, and if any Section hereof be decided by the court to be invalid or unconstitutional, the same shall not affect the validity of this Act as a whole or any part thereof, other than the part decided to be unconstitutional or invalid.

Sec. 15. This Act shall be in full force and effect from and after December 15, 1959.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1339 **CHAPTER 1156**

AN ACT TO CREATE THE GRANVILLE COUNTY PEACE OFFICERS' RELIEF ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known and may be cited as the Granville County Peace Officers' Relief Association Act.

Sec. 2. "Peace Officers", as used in this Act, shall be deemed to include all law enforcement officers in Granville County who are active peace officers in said county or any municipality therein, or of the State of North Carolina while they are regularly and duly stationed and assigned for duty in Granville County.

No person shall continue to be a member of the association created by this Act who has resigned, been removed from office, or who has otherwise ceased to be a law enforcement officer in Granville County or the municipalities therein or who, if a State officer, is no longer regularly and duly stationed and assigned for duty in said county.

Sec. 3. The Granville County Peace Officers' Relief Association shall be formed and the association shall include all peace officers who meet the requirements of Section 2 of this Act. In the event of a question arising as to who is an active peace officer, the executive board shall decide the eligibility of any applicant or member.

Peace officers who are entitled to membership in the association shall make application on forms to be furnished for the purpose, giving such information as may be required by the executive board, and shall pay an initiation fee and annual dues to be fixed by the executive board: Provided, such initiation fee shall not exceed five dollars ($5.00) and such dues shall not exceed six dollars ($6.00) per year.

Sec. 4. For the purpose of determining the recipients of benefits under this Act and the amounts thereof to be disbursed, and for formulating and making such rules and regulations as may be essential for the equitable and impartial distribution of such benefits to and among the persons en-

titled to such benefits, there is hereby created a board to be known as "The Executive Board of the Granville County Peace Officers' Relief Association", which shall consist of the Sheriff of Granville County, the Chief of Police of the Town of Oxford, and the Chief of Police of the Town of Creedmoor, as ex officio members, and two representatives from the membership in Granville County, said representatives to be elected by the membership in the county as hereinafter provided.

Within thirty (30) days after the ratification of this Act the eligible peace officers within Granville County shall meet at a place and time designated by the sheriff of the county and elect from their number two representatives of the county to membership on the executive board. The representatives so elected shall serve until the next ensuing regular annual meeting of the county membership as provided in this Act, and thereafter said representatives shall serve for a term of one year or until their successors are duly elected. The membership within the county shall hold its regular annual meeting on the second Wednesday in January of each year, or as soon thereafter as practicable, in such place as shall be designated by the sheriff of the county for the purpose of electing two representatives to membership on the executive board, and for the transaction of such other business as it may deem necessary. The executive board shall meet for the purpose of organizing and electing a chairman within ten (10) days after the election of the county representatives as herein provided. The said executive board may have such other meetings as may be necessary, which meetings shall be held on call by the chairman or any two members. A majority of the members of the executive board shall constitute a quorum for the transaction of business.

Notice of the adoption by the executive board of such rules and regulations as may be deemed necessary, and all amendments thereto, shall be made promptly to all members of the association.

There shall be kept in the office of the said executive board by the treasurer, records which shall give a complete history and record of all actions of the executive board in adopting rules and regulations. All records, papers, and other data shall be carefully preserved and turned over to the succeeding officers or board members.

Sec. 5. From and after December 15, 1959, in each criminal case finally disposed of in the criminal courts of Granville County, wherein the defendant is convicted or enters a plea of nolo contendere and is assessed with the payment of costs, or where the costs are assessed against the prosecuting witness, there shall be assessed against said convicted person or against such prosecuting witness as the case may be, one dollar ($1.00) additional costs to be collected as other costs are collected in criminal cases by justices of the peace, clerks, or other officers of court authorized to receive costs; provided, that the additional cost of one dollar ($1.00) herein provided for shall not be assessed in cases of abandonment or nonsupport.

Such costs collected for the Granville County Peace Officers' Relief Association shall be turned over to the sheriff of the county not later than the tenth day of each month, with a detailed report giving the name of

the defendant in each case in which the amount was collected. The sheriff shall within ten (10) days remit the same to the treasurer of the association, together with the itemized report received by him. Any justice of the peace, sheriff, clerk or officer of the court who wilfully fails to make such report within such time, or who knowingly fails to report any item taxed and collected as herein provided, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, within the discretion of the court.

Sec. 6. The executive board herein referred to may take by gift, grant, devise, or bequest, any money, real or personal property, or other things of value and hold or invest the same for the uses of said association in accordance with the purposes of this Act. And the executive board shall have the authority to invest initiation fees and annual dues not immediately needed in any securities of the United States Government, of the State of North Carolina, or of any of the several counties or municipalities of the State of North Carolina, or in certificates of deposit in any bank or trust company authorized to do business in North Carolina in which the deposits are guaranteed by the Federal Deposit Insurance Corporation not to exceed the sum of ten thousand dollars ($10,000.00) in any one bank or trust company, or in the shares of Federal Savings and Loan Associations and State-chartered building and loan associations not to exceed ten thousand dollars ($10,000.00) in any one of such associations; provided that no such funds may be so invested in a State-chartered building and loan association unless guaranteed by the Federal Deposit Insurance Corporation.

Sec. 7. The money paid into the Granville County Peace Officers' Relief Association shall be used for the purpose of paying the premiums on group insurance policies purchased pursuant to the provisions of this Act and for the administration and enforcement of this Act.

Sec. 8. The Treasurer of the Granville County Peace Officers' Relief Association shall be elected annually by the executive board and shall be a member of the board at the time of his election. He shall give a good and sufficient bond, and the cost of the bond shall be paid from the funds of the association.

Sec. 9. Members of the executive board, with the exception of the treasurer, shall serve without compensation. Necessary office supplies and medical advisory fees, and compensation of the treasurer as the executive board shall determine, and any other administrative expenses which the executive board may deem necessary may be paid out of the funds of the association.

Sec. 10. The executive board shall use the funds derived under this Act for the purpose of purchasing group insurance for the members of the Granville County Peace Officers' Relief Association against death or disability, or both, during the terms of their membership, under forms of insurance known as group insurance. At the end of each calendar or fiscal year of the association, if it operates on a fiscal-year basis, the association shall refund to Granville County the surplus funds of the association (not including initiation fees and annual dues) which are not needed for the purpose of this Act. The funds thus returned shall be placed in the general fund of the county.

Sec. 11. The treasurer and executive board of the association shall make a report of all receipts and disbursements of the preceding year at each regular annual meeting of the membership of the said county, and shall send a copy of such report, together with any refund to be made, to the board of commissioners of the county. The report shall be entered by the board of commissioners upon its official minutes.

Sec. 12. Membership in the Granville County Peace Officers' Relief Association, or the receiving of benefits therefrom, because of insurance purchased as provided in this Act, shall not be construed to be in conflict with or to prevent membership in either the Local Governmental Employees' Retirement System, the Law Enforcement Officers' Benefit and Retirement Fund, or the Teachers' and State Employees' Retirement System.

Sec. 13. From and after December 15, 1959, the peace officers within Granville County as herein defined shall not be members of the Quad-County Peace Officers' Relief Association, and no funds collected in Granville County shall be paid to the Quad-County Peace Officers' Relief Association, and after said date the provisions of Chapter 1097 of the Session Laws of 1951 shall not apply to Granville County.

Sec. 14. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed, and if any Section hereof be decided by the court to be invalid or unconstitutional, the same shall not affect the validity of this Act as a whole or any part thereof, other than the part decided to be unconstitutional or invalid.

Sec. 15. This Act shall be in full force and effect from and after December 15, 1959.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. B. 1340 CHAPTER 1157

AN ACT TO CREATE THE VANCE COUNTY PEACE OFFICERS' RELIEF ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known and may be cited as the Vance County Peace Officers' Relief Association Act.

Sec. 2. "Peace Officers" as used in this Act shall be deemed to include all law enforcement officers in Vance County, who are duly sworn as peace officers in the county or any municipality within the aforesaid county or of the State of North Carolina who are regularly and duly stationed and assigned for duty in said county, and devote fifty per cent (50%), or more, of their time to active law enforcement.

No person shall continue to be a member of the association created by this Act who has resigned, been removed from office, or who has otherwise ceased to be a law enforcement officer in Vance County or the municipalities therein or who, if a State officer, is no longer regularly and duly stationed and assigned for duty in said county. In the event a ques-

tion arising as to who is an active peace officer, the executive board shall decide the eligibility of any applicant or member.

Sec. 3. The Vance County Peace Officers' Relief Association shall be formed and the association shall include all peace officers who meet the requirements of Section 2 of this Act.

Peace officers who are entitled to membership in the association shall make application on forms to be furnished for the purpose, giving such information as may be required by the executive board, and shall pay an initiation fee and annual dues to be fixed by the executive board: Provided, such initiation fee shall not exceed five dollars ($5.00) and such dues shall not exceed six dollars ($6.00) per year.

Sec. 4. For the purpose of determining the recipients of benefits under this Act and the amounts thereof to be disbursed, and for formulating and making such rules and regulations as may be essential for the equitable and impartial distribution of such benefits to and among the persons entitled to such benefits, there is hereby created a board to be known as "The Executive Board of the Vance County Peace Officers' Relief Association", which shall consist of the Sheriff of Vance County, the Chief of Police of the Town of Henderson, as ex officio members, and three representatives from the membership in Vance County, said representatives to be elected by the membership in the county as hereinafter provided.

Within thirty (30) days after the ratification of this Act the eligible peace officers within Vance County shall meet at a place and time designated by the Sheriff of the County and elect from their number three representatives of the County to membership on the Executive Board. The representatives so elected shall serve until the next ensuing regular annual meeting of the County membership as provided in this Act, and thereafter said representatives shall serve for a term of one year or until their successors are duly elected. The membership within the County shall hold its regular annual meeting on the second Wednesday in January of each year, or as soon thereafter as practical, in such place as shall be designated by the Sheriff of the County for the purpose of electing three representatives to membership on the Executive Board, and for the transaction of such other business as it may deem necessary. The Executive Board shall meet for the purpose of organizing and electing a Chairman and a Secretary-Treasurer within ten (10) days after the election of the County representatives as herein provided. The said Executive Board may have such other meetings as may be necessary, which meetings shall be held on call by the Chairman or any two members. A majority of the members of the Executive Board shall constitute a quorum for the transaction of business.

Notice of the adoption by the Executive Board of such rules and regulations as may be deemed necessary, and all amendments thereto, shall be made promptly to all members of the association.

There shall be kept in the office of the said Executive Board by the Secretary-Treasurer, records which shall give a complete history and record of all actions of the Executive Board in adopting rules and

regulations. All records, papers, and other data shall be carefully preserved and turned over to the succeeding officers or board members.

Sec. 5. From and after December 15, 1959, in each criminal case finally disposed of in the criminal courts of Vance County, wherein the defendant is convicted or enters a plea of nolo contendere and is assessed with the payment of costs, or where the costs are assessed against the prosecuting witness, there shall be assessed against said convicted person or against such prosecuting witness as the case may be, one dollar ($1.00) additional costs to be collected as other costs are collected in criminal cases by justices of the peace, clerks, or other officers of court authorized to receive costs; provided, that the additional cost of one dollar ($1.00) herein provided for shall not be assessed in cases of abandonment and nonsupport.

Such costs collected for the Vance County Peace Officers' Relief Association shall be turned over to the Sheriff of the County not later than the tenth day of each month, with a detailed report giving the name of the defendant in each case in which the amount was collected. The Sheriff shall, within ten (10) days, remit the same to the Secretary-Treasurer of the Association, together with the itemized report received by him. Any justice of the peace, sheriff, clerk or officer of the court who wilfully fails to make such report within such time, or who knowingly fails to report any item taxed and collected as herein provided, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, within the discretion of the court.

Sec. 6. The Executive Board herein referred to may take by gift, grant, devise, or bequest, any money, real or personal property, or other things of value and hold or invest these things for the uses of said association in accordance with the purposes of this Act.

And the Executive Board shall have the authority to invest initiation fees and annual dues not immediately needed in any securities of the United States Government, of the State of North Carolina, or of any of the several counties or municipalities of the State of North Carolina, or in certificates of deposit in any bank or trust company authorized to do business in North Carolina in which the deposits are guaranteed by the Federal Deposit Insurance Corporation not to exceed the sum of ten thousand dollars ($10,000.00) in any one bank or trust company, or in the shares of Federal Savings and Loan Associations and State-chartered building and loan associations not to exceed ten thousand dollars ($10,000.00) in any one of such associations; provided that no such funds may be so invested in a State-chartered building and loan association unless guaranteed by the Federal Deposit Insurance Corporation.

Sec. 7. The money paid into the Vance County Peace Officers' Relief Association shall be used for the purpose of paying the premiums on group insurance policies purchased pursuant to the provisions of this Act and for the administration and enforcement of this Act.

Sec. 8. The Secretary-Treasurer of the Vance County Peace Officers' Relief Association shall be elected annually by the Executive Board and

shall be a member of the Board at the time of his election. He shall give a good and sufficient bond, and the cost of the bond shall be paid from the funds of the association.

Sec. 9. Members of the Executive Board, with the exception of the Secretary-Treasurer, shall serve without compensation. Necessary office supplies and medical advisory fees, and compensation of the Secretary-Treasurer as the Executive Board shall determine, and any other administrative expenses which the Executive Board may deem necessary may be paid out of the funds of the association.

Sec. 10. The Executive Board shall use the funds derived under this Act for the purpose of purchasing group insurance for the members of the Vance County Peace Officers' Relief Association against death or disability, or both, during the terms of their membership, under forms of insurance known as group insurance. At the end of each calendar or fiscal year of the association, if it operates on a fiscal-year basis, the association shall refund to Vance County the surplus funds of the association (not including initiation fees and annual dues) which are not needed for the purpose of this Act. The funds thus returned shall be placed in the General Fund of the County.

Sec. 11. The Secretary-Treasurer and Executive Board of the association shall make a report of all receipts and disbursements of the preceding year at each regular annual meeting of the membership of the said County, and shall send a copy of such report, together with any refund to be made, to the Board of Commissioners of the County. The report shall be entered by the Board of Commissioners receiving the same upon its official minutes.

Sec. 12. Membership of the Vance County Peace Officers' Relief Association, or the receiving of benefits therefrom, because of insurance purchased as provided in this Act, shall not be construed to be in conflict with or to prevent membership in either the Local Governmental Employees' Retirement System, the Law Enforcement Officers' Benefit and Retirement Fund, or the Teachers' and State Employees' Retirement System.

Sec. 13. From and after December 15, 1959, the Peace Officers within Vance County as herein defined shall not be members of the Quad-County Peace Officers' Relief Association, and no funds collected in Vance County shall be paid to the Quad-County Peace Officers' Relief Association, and after said date the provisions of Chapter 1097 of the Session Laws of 1951 shall not apply to Vance County.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed, and if any Section hereof be decided by the court to be invalid or unconstitutional, the same shall not affect the validity of this Act as a whole or any part thereof, other than the part decided to be unconstitutional or invalid.

Sec. 15. This Act shall be in full force and effect from and after December 15, 1959.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. B. 62 **CHAPTER 1158**

AN ACT TO REPEAL ARTICLE 6 OF CHAPTER 81 OF THE GENERAL STATUTES RELATING TO THE TESTING OF SURVEYOR'S INSTRUMENTS AND PRESERVATION OF MERIDIAN MONUMENTS.

The General Assembly of North Carolina do enact:

Section 1. Article 6 of Chapter 81 of the General Statutes is repealed.

Sec. 1A. This Act shall not apply to Washington and Tyrrell Counties.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 63 **CHAPTER 1159**

AN ACT TO AMEND G. S. 39-32.1 RELATING TO CONTROL CORNERS IN REAL ESTATE DEVELOPMENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 39-32.1 is amended by inserting between the words, "control corner", and the words, "and to", in line 5 of said Section, the words, "and shall cause two or more street center lines or offset lines within or on the street right of way lines to be permanently monumented at intersecting center lines or offset lines, points of curvature or such other control points, which monuments shall also be designated as control corners".

Sec. 1½. This Act shall not apply to Washington, Franklin and Tyrrell Counties.

Sec. 2. All laws and clauses of laws in conflict with provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 76 **CHAPTER 1160**

AN ACT RELATING TO THE EXERCISE OF POWERS OF JOINT PERSONAL REPRESENTATIVES BY ONE OR MORE THAN ONE.

The General Assembly of North Carolina do enact:

Section 1. Article 20 of Chapter 28 of the General Statutes of North Carolina is hereby amended by adding immediately following G. S. 28-184 a new Section to be designated G. S. 28-184-1, and to read as follows:

"§ 28-184.1. Exercise of Powers of Joint Personal Representatives by One or More than One. (a) As used in this Section, the term 'personal

representatives' includes executors, administrators, administrators c. t. a., administrators d. b. n., collectors, and testamentary trustees.

"(b) If a will expressly makes provision for the execution of any of the powers of personal representatives by all of them or by any one or more of them, the provisions of the will govern.

"(c) If there is no governing provision in the will, personal representatives may, by written agreement signed by all of them and filed with and approved by the Clerk of Superior Court of the county in which such personal representatives qualified, provide that any one or more of the following powers of personal representatives may be exercised by any designated one or more of them:

"(1) Open bank accounts and draw checks thereon;

"(2) Subject to the provisions of G. S. 105-24, enter any safe deposit box of the deceased or any safe deposit box rented by the personal representative or representatives;

"(3) Employ attorneys and accountants;

"(4) List property for taxes and prepare and file State, municipal and county tax returns;

"(5) Collect claims and debts due the estate and give receipts therefor;

"(6) Pay claims against and debts of the estate;

"(7) Compromise claims in favor of or against the estate;

"(8) Have custody of property of the estate.

"(d) The voting of corporate shares of stock is governed by the provisions of G. S. 55-69(f).

"(e) Subject to the provisions of subsections (b), (c) and (d) of this Section, all other acts and duties must be performed by both of the personal representatives if there are two, and by a majority of them if there are more than two.

"(f) No personal representatives shall be relieved of liability on his bond or otherwise by entering into any agreement under this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 80 CHAPTER 1161

AN ACT TO AMEND CHAPTER 31 OF THE GENERAL STATUTES, G. S. 10-1, G. S. 59-40(1), G. S. 55A-2(7), G. S. 55A-7(a)(9), G. S. 1-96, AND G. S. 101-2.

The General Assembly of North Carolina do enact:

Section 1. Chapter 31 of the General Statutes is hereby amended by dividing Article 7 following G. S. 31-46 so that G. S. 31-47 becomes a new Article, to be designated as follows:

"Article 8. Devise or Bequest to Trustee of an Existing Trust."

Sec. 2. G. S. 10-1 is hereby amended by striking out the first paragraph thereof and by substituting in lieu thereof the following:

"The Governor may, from time to time, at his discretion, appoint one or more fit persons in every county to act as notaries public and shall issue to each a commission. The commission shall show that it is for a term of two years and shall show the effective date and date of expiration. The term of the commission shall be computed by including the effective date and shall end at midnight of the day preceding the anniversary of the effective date, two years thereafter. The commission shall be sent to the Clerk of the Superior Court of the county in which the appointee lives and a copy of the letter of transmittal to the clerk shall be sent to the appointee concerned. The commission shall be retained by the clerk until the appointee has qualified in the manner provided by G. S. 10-2."

Sec. 3. G. S. 59-40(1) is hereby amended by striking out the word "of" immediately following the word "grantee'" in line six thereof and substituting in lieu thereof the word "or".

Sec. 4. G. S. 55A-2(7), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended to read as follows:

"(7) 'Board of directors' means the group of persons vested by the corporation with the management of its affairs whether or not such group is designated as directors in the charter."

Sec. 5. G. S. 55A-7(a)(9), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended to read as follows:

"(9) The number of persons constituting the initial board of directors, by whatever name called, and the names and addresses, including street and number, if any, of the persons who are to serve as the initial board."

Sec. 6. G. S. 1-96 is hereby rewritten to read as follows:

"§ 1-96. Discontinuance. When there is neither endorsement by the clerk nor issue of alias or pluries summons within the time specified in G. S. 1-95, the action is discontinued as to any defendant not theretofore served with summons. Thereafter, alias or pluries summons may issue, or an extension be endorsed by the clerk, but, as to such defendant, the action shall be deemed to have begun on the date of such issue or endorsement."

Sec. 7. G. S. 101-2 is hereby amended by deleting therefrom the words "G. S. 130-94" at the end of line eighteen thereof and substituting in lieu thereof the words "G. S. 130-64.1".

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 101 CHAPTER 1162

AN ACT TO PROVIDE FOR THE MICROFILMING OF COUNTY RECORDS OF PERMANENT VALUE FOR SECURITY PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The North Carolina Department of Archives and History is hereby authorized and directed to formulate and execute a program

of inventorying, repairing, and microfilming in the counties for security purposes those official records of the several counties which the Department determines have permanent value, and of providing safe storage for microfilm copies of such records.

Sec. 2. There is hereby appropriated to the Department of Archives and History from the General Fund of the State for the fiscal year 1959-60 the sum of seventy-five thousand seven hundred thirty dollars ($75,730.00) and for the fiscal year 1960-61 the sum of seventy-one thousand six hundred eighty dollars ($71,680.00) to be used by said Department for inventory, repairing and microfilming official county records and providing safe storage for such film within the contemplation of Section 1 of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 105

CHAPTER 1163

AN ACT TO AMEND THE STATUTES RELATING TO THE FILING AND CROSS-INDEXING OF LIS PENDENS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-116 is hereby amended to read as follows:

"§ 1-116. Filing of Notice of Suit. (a) Any person desiring the benefit of constructive notice of pending litigation must file a separate, independent notice thereof, which notice shall be cross-indexed in accordance with G. S. 1-117, in the following cases:

(1) Actions affecting title to real property;

(2) Actions to foreclose any mortgage or deed of trust or to enforce any lien on real property; and

(3) Actions in which any order of attachment is issued and real property is attached.

"(b) Notice of pending litigation shall contain:

(1) The name of the court in which the action has been commenced or is pending;

(2) The names of the parties to the action;

(3) The nature and purpose of the action; and

(4) A description of the property to be affected thereby.

"(c) Notice of pending litigation may be filed:

(1) At the time the summons is issued, subject to the provisions of G. S. 1-116.1 and G. S. 1-119;

(2) At or any time after the filing of the complaint;

(3) At or any time after real property has been attached; or

(4) At or any time after the filing of an answer or other pleading in which the pleading partly alleges an affirmative cause of action falling within the provisions of subsection (a) of this Section.

"(d) Notice of pending litigation must be filed with the Clerk of the Superior Court of each county in which any part of the real estate is located, not excepting the county in which the action is pending, in order to be effective against bona fide purchasers or lien creditors with respect to the real property located in such county."

Sec. 2. G. S. 1-117 is hereby amended to read as follows:

"§ 1-117. Cross-index of Lis Pendens. Every notice of pending litigation filed under this Article shall be cross-indexed by the Clerk of the Superior Court in a record, called the 'Record of Lis Pendens,' to be kept by him pursuant to G. S. 2-42(6)."

Sec. 3. Paragraph 6 of G. S. 2-42 is hereby rewritten to read as follows:

"6. Record of Lis Pendens, which shall be cross-indexed and shall contain the name of the court in which the action has been commenced or is pending, the names of the parties to the action, the nature and purpose of the action, sufficient description of the real property to be affected to enable any person to identify and locate the same, the day and hour of entry on the cross-index, and a description of the place where such notice is filed."

Sec. 4. G. S. 2-26 is hereby amended by inserting following the sentence ending on line fifty and preceding the sentence found on line fifty-one thereof, a new sentence to read as follows:

"Indexing notice of lis pendens, twenty-five cents."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 111 CHAPTER 1164

AN ACT TO AMEND G. S. 15-201 TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE PROBATION COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. That Section 15-201 of the General Statutes is hereby amended by inserting the following words after the word "expenses" and before the word "while" in line four of said Section: "and seven dollars per diem".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 139 **CHAPTER 1165**

AN ACT TO AMEND CHAPTER 131 OF THE GENERAL STATUTES RELATING TO STUDENT LOAN FUNDS ADMINISTERED BY THE NORTH CAROLINA MEDICAL CARE COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. (a) G. S. 131-121 is hereby amended by striking out the words "for at least four years" at the end of the first sentence in said Section and inserting in lieu thereof the words "for one calendar year of twelve months for each academic year or fraction thereof for which the student receives a loan."

(b) The second sentence of G. S. 131-121 is hereby amended by rewriting the sentence to read as follows: "Rural area, for the purpose of this Section, shall mean any town or village having less than 2,500 population according to the most recent decennial census, or area outside and around any such town or village, or area approved by the Medical Care Commission that is considered to meet the spirit and intent of the student loan program."

(c) G. S. 131-121 is hereby amended by inserting the following sentences at the end of the first paragraph in said Section: "The Commission shall have the authority to cancel any contract made between it and any applicant for loans upon cause deemed sufficient by the Commission. In such cases, the applicant shall repay the loan in full with interest at four per cent (4%) per annum."

(d) G. S. 131-121 is hereby amended by inserting the following paragraph immediately preceding the last paragraph in said Section:

"The North Carolina Medical Care Commission is hereby authorized, in its discretion, to approve transfers between rural and State hospitals programs so as to enable a student, after completing his training, to liquidate his obligations to the State under either program he prefers subject to the approval of the Commission and the State Hospitals Board of Control."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 143 **CHAPTER 1166**

AN ACT CONCERNING GIFTS OF SECURITIES AND MONEY TO MINORS AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO.

The General Assembly of North Carolina do enact:

Section 1. Article 12 of Chapter 33 of the General Statutes, as the same appears in the 1957 Supplement to the General Statutes, is rewritten to read as follows:

"Article 12.

Gifts of Securities to Minors.

Section 1. Definitions. In this Article, unless the context otherwise requires:

(a) An 'adult' is a person who has attained the age of twenty-one years.

(b) A 'bank' is a bank, savings and loan association, building and loan association, Federal savings and loan association, trust company, national banking association, savings bank, industrial bank.

(c) A 'broker' is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

(d) 'Court' means the Superior Court of the several counties of the State.

(e) 'The custodial property' includes:

(1) All securities, money and life insurance under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this Act.

(2) The income from the custodial property; and

(3) The proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment or other disposition of such securities, money and income.

(f) A 'custodian' is a person so designated in a manner prescribed in this Article.

(g) A 'guardian' of a minor includes the general guardian, guardian, tutor or curator of his property, estate or person.

(h) An 'issuer' is a person who places or authorizes the placing of his name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

(i) A 'legal representative' of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate.

(j) A 'member' of a 'minor's family' means any of the minor's parents, grandparents, great-grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(k) A 'minor' is a person who has not attained the age of twenty-one years.

(l) A 'security' includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known

as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in 'registered form' when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(m) A 'transfer agent' is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

(n) A 'trust company' is a bank authorized to exercise trust powers in the State of North Carolina.

(o) 'Life insurance' shall be deemed to include only insurance on the life of a minor or a member of the minor's family as herein defined.

Sec. 2. Manner of Making Gift. (a) An adult person may, during his lifetime, make a gift of a security, money, or life insurance, to a person who is a minor on the date of the gift.

(1) If the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person, an adult member of the minor's family, a guardian of the minor, or a trust company, followed, in substance, by the words: 'as custodian for .....
(name
..... under the North Carolina Uniform Gifts to
of minor)
Minors Act';

(2) If the subject of the gift is a security not in registered form, by delivering it to an adult person other than the donor, an adult member, other than the donor, of the minor's family, a guardian of the minor, or a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

'GIFT UNDER THE NORTH CAROLINA
UNIFORM GIFTS TO MINORS ACT

I, ..., hereby deliver to
(name of donor)
..... as custodian for.....
(name of custodian) (name of minor)
under the North Carolina Uniform Gifts to Minors Act, the following security (ies): (insert an appropriate description of the security or securities delivered sufficient to identify it or them).

.....
(signature of donor)
..... hereby acknowledges receipt of the above
(name of custodian)
described security (ies) as custodian for the above minor under the North Carolina Uniform Gifts to Minors Act.
Dated:..... .....
(signature of custodian)'

(3) If the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account in the name of the donor, another adult person, an adult member of the minor's family, a guardian of the minor or a bank with trust powers, followed, in substance, by the words: 'as custodian for ..... under
(name of minor)
the North Carolina Uniform Gifts to Minors Act'.

(4) If the subject of the gift is life insurance, the ownership of the policy of life insurance shall be registered by the donor of such policy in his own name or in the name of an adult member of the minor's family or in the name of any guardian of the minor, followed by the words 'as custodian for ..... under the North
(name of minor)
Carolina Uniform Gifts to Minors Act', and such policy of life insurance shall be delivered to the person in whose name it is thus registered as custodian. If the policy is registered in the name of the donor, as custodian, such registration shall of itself constitute the delivery required by this Section.

(b) Any gift made in a manner prescribed in subsection (a) may be made to only one minor and only one person may be the custodian.

(c) A donor who makes a gift to a minor in a manner prescribed in subsection (a) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subsection, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

Sec. 3. Effect of Gift. (a) A gift made in a manner prescribed in this Act is irrevocable and conveys to the minor indefeasibly vested legal title to the security, money, or life insurance given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this Act.

(b) By making a gift in a manner prescribed in this Article, the donor incorporates in his gift all the provisions of this Article and grants to the custodian, and to any issuer, transfer agent, bank, broker or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this Article.

Sec. 4. Duties and Powers of Custodian. (a) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(b) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(c) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen years, may order

the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(d) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of twenty-one years or, if the minor dies before attaining the age of twenty-one years, he shall thereupon deliver or pay it over to the estate of the minor.

(e) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this Article.

(f) The custodian may sell, exchange, convert or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(g) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: 'as custodian for .....
(name of minor)
under the North Carolina Uniform Gifts to Minors Act'. The custodian shall hold all money which is custodial property in an account with a broker or in a bank in the name of the custodian, followed, in substance, by the words: 'as custodian for .....
(name of minor)
under the North Carolina Uniform Gifts to Minors Act'. The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

(h) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

(i) A custodian has and holds as powers in trust with respect to the custodial property, in addition to the rights and powers provided in this Article, all the rights and powers which a guardian has with respect to property not held as custodial property.

(j) If the subject of the gift is life insurance, the custodian shall have all of the incidents of ownership in the life insurance policy which he may hold as custodian to the same extent as if he were the owner thereof

personally. The designated beneficiary of any such policy of insurance held by a custodian shall be the minor or, in the event of his death, the minor's estate.

Sec. 5. Custodian's Expenses, Compensation, Bond and Liabilities. (a) A custodian is entitled to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties.

(b) A custodian may act without compensation for his services.

(c) Unless he is a donor, a custodian may receive from the custodial property reasonable compensation for his services determined by one of the following standards in the order stated:

(1) A direction by the donor when the gift is made;

(2) A statute of this State applicable to custodians;

(3) The statute of this State applicable to guardians;

(4) An order of the court.

(d) Except as otherwise provided in this Article, a custodian shall not be required to give a bond for the performance of his duties.

(e) A custodian not compensated for his services is not liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this Article.

Sec. 6. Exemption of Third Person from Liability. No issuer, transfer agent, bank, broker or other person acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated by the purported donor or purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this Article, or is obliged to inquire into the validity or propriety under this Article of any instrument or instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him.

Sec. 7. Resignation, Death or Removal of Custodian; Bond; Appointment of Successor Custodian. (a) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become successor custodian. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this Article.

(b) A custodian, other than the donor, may resign and designate his successor by:

(1) Executing an instrument of resignation designating the successor custodian; and

(2) Causing each security which is custodial property and in registered form to be registered in the name of the successor custodian

followed, in substance, by the words: 'as custodian for .....
(name
..... under the North Carolina Uniform Gifts to
of minor)
Minors Act'; and

(3) Delivering to the successor custodian the instrument of resignation, each security registered in the name of the successor custodian and all other custodial property, together with any additional instruments required for the transfer thereof.

(c) A custodian, whether or not a donor, may petition the court for permission to resign and for the designation of a successor custodian.

(d) If the person designated as custodian is not eligible, renounces or dies before the minor attains the age of twenty-one years, the guardian of the minor shall be successor custodian. If the minor has no guardian, a donor, his legal representative, the legal representative of the custodian, an adult member of the minor's family, or the minor, if he has attained the age of fourteen years, may petition the court for the designation of a successor custodian.

(e) A donor, the legal representative of a donor, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(f) Upon the filing of a petition as provided in this Section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

Sec. 8. Accounting by Custodian. (a) The minor, if he has attained the age of fourteen years, or the legal representative of the minor, an adult member of the minor's family, or a donor or his legal representative may petition the court for an accounting by the custodian or his legal representative.

(b) The court, in a proceeding under this Article or otherwise, may require or permit the custodian or his legal representative to account and, if the custodian is removed, shall so require and order delivery of all custodial property to the successor custodian and the execution of all instruments required for the transfer thereof.

Sec. 9. Construction. (a) This Article shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(b) This Article shall not be construed as providing an exclusive method for making gifts to minors.

Sec. 10. Short Title. This Article may be cited as the 'North Carolina Uniform Gifts to Minors Act'.

Sec. 11. Severability. If any provision of this Article or the application thereof to any person or circumstances is held invalid, the invalidity shall

not affect other provisions or applications of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are severable."

Sec. 12. The rewriting of this Article does not affect gifts made in a manner prescribed in the original Article nor the powers, duties and immunities conferred by gifts in such manner upon custodians and persons dealing with custodians. The provisions of this Act henceforth apply, however, to all gifts made in a manner and form prescribed in the original Article hereby rewritten except insofar as such application impairs constitutionally vested rights. The Sections of this Act shall be construed as a continuation of the provisions of the original Article hereby rewritten.

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 199 CHAPTER 1167

AN ACT TO HEAR AND DETERMINE ON ITS MERITS THE CLAIM OF CLIFFORD JOHN TOLIVER.

WHEREAS, Clifford John Toliver, Superintendent of the Prison Camp located in Alleghany County, was seriously injured in the line of duty while making an effort to apprehend escaped prisoners in McDowell County on May 20, 1955; and

WHEREAS, the injury to the back of the said Clifford John Toliver is of a serious and permanent nature but was not discovered to be a permanent injury until after the time for filing claim with the Industrial Commission had expired, and the State Highway and Public Works Commission paid only his hospital and medical bills as a result of said injury; and

WHEREAS, claim was filed with the Industrial Commission after the expiration of the time provided for the filing of said claim, and for that reason was dismissed by said Commission; and

WHEREAS, the said Clifford John Toliver has been a faithful and loyal employee of the State since September 1, 1949; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the North Carolina Industrial Commission is authorized and directed to hear and determine the above-described claim of the said Clifford John Toliver on its merits; the provision of the statute limiting the time in which an action for said claim should have been filed shall not be pleaded in bar of recovery by the said Clifford John Toliver on said claim; and whenever such claim is filed, it shall be treated as valid in every respect in the same manner and to the same extent as if such claim had been filed within the time prescribed by the general law for the filing of such claims, and as if G. S. 27-24 had been fully complied with.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 247

CHAPTER 1168

AN ACT AMENDING G. S. 7-68 SO AS TO DIVIDE THE NINTH SOLICITORIAL DISTRICT INTO TWO DISTRICTS DESIGNATED AS "SOLICITORIAL DISTRICT NUMBER NINE" AND "SOLICITORIAL DISTRICT NUMBER 9A", AND TO PROVIDE FOR THE APPOINTMENT AND ELECTION OF THE SOLICITOR FOR DISTRICT NUMBER 9A.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 7-68, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, be and the same is hereby amended by rewriting lines 80 and 81 thereof to read as follows:

"Effective July 1, 1959, Solicitorial District No. 9 shall be composed of the following counties: Cumberland and Hoke. Effective July 1, 1959, Solicitorial District No. 9A shall be composed of the following counties: Robeson and Bladen."

Sec. 2. The Governor of North Carolina shall appoint the solicitor for Solicitorial District No. 9A to serve until the general election of 1960. The solicitor of the present Ninth Solicitorial District shall continue to serve as the new solicitor of Solicitorial District No. 9. In the primary and general elections to be held in the year 1960, candidates shall be nominated and elected to the office of solicitor of Solicitorial District No. 9A for the term ending on December 31, 1962. Thereafter the solicitor of said district shall be nominated and elected at the same time as are the solicitors for the other solicitorial districts of North Carolina for the term of four years.

Sec. 2½. There is hereby appropriated out of the general fund to Superior Courts the sum of nine thousand nine hundred thirty-six dollars ($9,936.00) for the fiscal year beginning July 1, 1959 and ending June 30, 1960, and the sum of nine thousand nine hundred thirty-six dollars ($9,936.00) for the fiscal year beginning July 1, 1960 and ending June 30, 1961, to provide for the compensation and allowances authorized by law for the solicitor of Solicitorial District No. 9A established by this Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 259 **CHAPTER 1169**

AN ACT TO MAKE APPROPRIATIONS SO AS TO PROVIDE SOCIAL SECURITY COVERAGE FOR STATE LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS OF THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND.

The General Assembly of North Carolina do enact:

Section 1. The purpose of this Act is to make appropriations so as to provide for social security coverage for the next ensuing biennium and retroactively to January 1, 1956, for State officers and employees who are members of the Law Enforcement Officers' Benefit and Retirement Fund and, as to retroactive coverage, to make appropriations to cover the employees' contributions as well as the State's or employer's contributions, subject to such referendum or referendums as to all or a part of such social security coverage as may be held in accordance with applicable State and Federal laws.

Sec. 2. There is hereby appropriated from the State Highway Fund and from the General Fund of the State, respectively, for the purposes set forth above, for retroactive social security coverage, including both the employer's and the employees' contributions for the period January 1, 1956, through June 30, 1959, and for the employer's contributions for the fiscal year July 1, 1959, to June 30, 1960, and for the fiscal year July 1, 1960, to June 30, 1961, the amounts set out according to the schedule below:

	1-1-56 thru 6-30-59 (Employees plus Employer)	7-1-59 thru 6-30-60 (Employer)	7-1-60 thru 6-30-61 (Employer)	Total
HIGHWAY FUND:				
Motor Vehicle Department: (Contribution to Law Enforcement Officers' Benefit and Retirement Fund)	$425,496.00	$85,833.00	$96,394.00	$607,723.00
Prison Department: (Contribution to Law Enforcement Officers' Benefit and Retirement Fund)	8,537.00	1,704.00	1,873.00	12,114.00
GENERAL FUND:				
Law Enforcement Officers' Benefit and Retirement Fund: (Contribution from General Fund)	$25,195.00			$25,195.00

Sec. 3. The Wildlife Resources Commission is hereby authorized and empowered to expend for similar purposes one thousand seven hundred eighteen dollars ($1,718.00) for retroactive social security coverage, three

hundred forty dollars ($340.00) for the fiscal year 1959-60 and three hundred seventy-eight dollars ($378.00) for the fiscal year 1960-61, totaling two thousand four hundred thirty-six dollars ($2,436.00).

Sec. 4. The appropriations herein provided for are in addition to all other appropriations contained in the 1959 Biennial Appropriations Act.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 297 **CHAPTER 1170**

AN ACT TO AUTHORIZE THE INSTALLATION AND USE OF SIRENS AND RED LIGHTS ON MOTOR VEHICLES USED BY THE SHERIFF AND DEPUTY SHERIFFS OF ANY COUNTY FOR LAW ENFORCEMENT PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-125, subsection (b), is hereby amended by adding at the end thereof the following paragraph:

"Every vehicle used or operated for law enforcement purposes by the sheriff or any salaried deputy sheriff or salaried rural policeman of any county, whether owned by the county or not, may be, but is not required to be, equipped with special lights, bells, sirens, horns or exhaust whistles of a type approved by the Commissioners of Motor Vehicles. Such special equipment shall not be operated or activated by any person except by a law enforcement officer while actively engaged in performing law enforcement duties."

Sec. 2. G. S. 20-130.1 is hereby amended by adding at the end thereof the following sentence:

"The provisions of this Section shall not apply to motor vehicles used in law enforcement by the sheriff or any salaried deputy sheriff or salaried rural policeman of any county, regardless of whether or not the vehicle is owned by the county."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 301 **CHAPTER 1171**

AN ACT TO AMEND G. S. 106-390 RELATING TO THE SALE OF VACCINATED UNBRED HEIFERS UNDER EIGHTEEN MONTHS OF AGE.

WHEREAS, official calfhood vaccination of female cattle between the ages of four and eight months with Strain 19 Brucella vaccine is recommended and approved by all State veterinarians and Federal officials; and

WHEREAS, calfhood vaccination establishes a high resistance to Brucellosis and increases the sale value of such vaccinated animal; and

WHEREAS, the majority of other states permit public sale of such officially calfhood vaccinated heifers with or without a test: Now, therefore, *The General Assembly of North Carolina do enact:*

Section 1. G. S. 106-390 is amended by striking the period from the end of said Section and substituting therefor a colon to be followed by the following clause: "Provided, however, the State Veterinarian is authorized to issue a written permit for public show or sale to the owners of unbred officially calfhood vaccinated heifers 18 months of age or under that originate directly from either a Brucellosis certified herd or from a herd that has been officially blood tested and negative to Brucellosis within twelve months, with or without a blood test."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 308 CHAPTER 1172

AN ACT TO PROVIDE FOR SETTING UP AND OPERATING A PROGRAM OF PERFORMANCE TESTING OF BEEF CATTLE.

WHEREAS, it is highly desirable that North Carolina inaugurate for its cattle producers a program of performance testing of beef cattle.

Performance testing is the actual measuring and recording of the performance of animals as to one or more traits; and performance records take on meaning only when they are compared with records of other animals.

Performance records are useful both for selecting the high producers and for culling undesirable animals; and measuring the performance of all calves produced in a herd helps to identify the best performing individuals and gives information about the breeding value of the sires and dams that produced them.

Performance is improved by keeping replacement animals with above-average performance in the traits selected for; and since it is not possible to identify accurately the best performing individuals by conformation alone, it is necessary to measure the performance of all calves in order to find those individuals that are above average in total merit.

Performance testing is based on the facts that individual animals differ in their ability to grow rapidly, mature early, convert feed to meat efficiently, and to develop desirable carcasses.

Performance testing of cattle on farms is feasible and provides data for selecting the best individuals, progeny testing of sires, and for evaluating cows in their reproductive performance.

The operation of a performance testing program will provide North Carolina beef cattle producers a means of evaluating their herds so that

the loafers and low producers can be culled more intelligently, to the end that beef may be produced more efficiently and profitably.

This program will assist in producing and locating outstanding sires that will aid breeders in improving the beef cattle in North Carolina.

The fact that 31 states have such programs is proof of the benefits of such a program. With neighboring states promoting such testing programs, many North Carolina producers are going out of State to obtain bulls. This program will identify bulls of outstanding merit in North Carolina: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. From the total appropriations made by the 1959 Session of the General Assembly to North Carolina Cooperative Agricultural Extension Service out of the General Fund of the State, there shall be expended the sum of ten thousand dollars ($10,000.00) for the fiscal year beginning July 1, 1959 and ending June 30, 1960, and the sum of ten thousand dollars ($10,000.00) for the fiscal year beginning July 1, 1960 and ending June 30, 1961, to be expended by State College to inaugurate and carry out a program of performance testing of beef cattle, as agreed between the Budget Bureau and the Administration of the Consolidated University.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 315 CHAPTER 1173

AN ACT TO AMEND G. S. 14-399 RELATING TO THE PLACING OF LITTER AND REFUSE ON THE RIGHT OF WAY OF ANY PUBLIC ROAD.

The General Assembly of North Carolina do enact:

Section 1. That Section 14-399 of the General Statutes be and the same is hereby amended by rewriting the said Section to read as follows:

"It is unlawful for any person, firm, organization or private corporation, or for the governing body, agents or employees of any municipal corporation, to place or leave or cause to be placed or left temporarily or permanently, any trash, refuse, garbage, scrapped automobile, scrapped truck or part thereof on the right of way of any State highway or public road where said highway or public road is outside of an incorporated town.

"The placing or leaving of the articles or matter forbidden by this Section shall, for each day or portion thereof that said articles or matter are placed or left, constitute a separate offense.

"A violation of this Section is punishable by a fine of not less than ten dollars ($10.00) and not more than fifty dollars ($50.00) for each offense."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 321 CHAPTER 1174

AN ACT TO AMEND SUBCHAPTER V OF CHAPTER 54 OF THE GENERAL STATUTES TO PERMIT A COOPERATIVE MARKETING CORPORATION ORGANIZED UNDER SUCH SUBCHAPTER TO DISBURSE SMALL SUMS OWED TO A DECEASED MEMBER IN THE ABSENCE OR AFTER THE CLOSING OF THE ADMINISTRATION OF HIS ESTATE.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 54 of the General Statutes of North Carolina, Section 152, is hereby amended by adding at the end of said Section a subsection as follows:

"(d). In the event that a member of an association incorporated under this Chapter shall have died; and that, at a time more than six (6) months after his death, such cooperative corporation has in its hands moneys not in excess of one hundred dollars ($100.00) which would have been distributable and payable to such member except for his death; and that there has been appointed no administrator of his estate or that the administration of his estate has been closed at such time; then such corporation, without making any publication of notice, may disburse such moneys (not in excess of one hundred dollars ($100.00) in the following order: (1) To the widow of the deceased if there is a widow, (2) to pay any unsatisfied claims for funeral expenses or reimburse any person for the payment thereof, and (3) to any adult person of the class of those nearest of kin to the deceased, for the benefit of all members of such class.

"In making such disbursements the said corporation shall be responsible and liable only for the exercise of good faith and reasonable care and shall have no further responsibility or liability with respect to such moneys or their application or disbursement."

Sec. 2. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 322 CHAPTER 1175

AN ACT AMENDING G. S. 7-68 SO AS TO DIVIDE THE FOURTEENTH SOLICITORIAL DISTRICT INTO TWO DISTRICTS, DESIGNATED AS "SOLICITORIAL DISTRICT NO. 14" AND "SOLICITORIAL DISTRICT NO. 14A", AND TO PROVIDE FOR THE APPOINTMENT AND ELECTION OF THE SOLICITOR FOR DISTRICT NO. 14A.

The General Assembly of North Carolina do enact:

Section 1. That Section 7-68, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, be and the same is hereby amended by rewriting lines 90 and 91 thereof to read as follows:

"Effective July 1, 1959, Solicitorial District No. 14 shall be composed of the County of Gaston. Effective July 1, 1959, Solicitorial District No. 14A shall be composed of the County of Mecklenburg."

Sec. 2. The Governor of North Carolina shall appoint the solicitor for Solicitorial District No. 14A to serve until the general election of 1960. The solicitor of the present 14th Solicitorial District shall continue to serve as the new solicitor of Solicitorial District No. 14. In the primary and general elections to be held in the year 1960, candidates shall be nominated and elected to the office of solicitor of Solicitorial District No. 14A for the term ending on December 31, 1962. Thereafter the solicitor of said district shall be nominated and elected at the same time as are the solicitors for the other solicitorial districts of North Carolina for the term of four years.

Sec. 2½. There is hereby appropriated out of the general fund to Superior Courts the sum of nine thousand nine hundred thirty-six dollars ($9,936.00) for the fiscal year beginning July 1, 1959 and ending June 30, 1960, the sum of nine thousand nine hundred thirty-six dollars ($9,936.00) for the fiscal year beginning July 1, 1960 and ending June 30, 1961, to provide for the compensation and allowances authorized by law for the solicitor of Solicitorial District No. 14A established by this Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 332 CHAPTER 1176

AN ACT TO PROVIDE A FURTHER ALTERNATIVE FOR THE COLLECTION OF ASSESSMENTS AUTHORIZED BY ARTICLE 50 OF CHAPTER 106 OF THE GENERAL STATUTES, AS AMENDED, FOR THE PROMOTION OF, USE AND SALE OF AGRICULTURAL PRODUCTS AND AS THE SAME MAY RELATE TO ASSESSMENTS AUTHORIZED BY REFERENDUM ON CATTLE SOLD FOR SLAUGHTER.

The General Assembly of North Carolina do enact:

Section 1. Article 50, of Chapter 106 of the General Statutes, is hereby amended by adding, immediately after Section 106-564.2, as the same appears in the 1957 Cumulative Supplement of the General Statutes, a new Section which shall be designated as "Sec. 106-564.3", and which new Section shall read as follows:

"Sec. 106-564.3. Alternative Method for Collection of Assessments Relating to Cattle Sold for Slaughter. As an alternative method for the collection of assessments provided for in Article 50, of Chapter 106 of the General Statutes, as amended, and as the same relates to cattle sold for slaughter, upon the request of the duly certified agency of the producers of cattle which are to be sold for slaughter, the Commissioner of Agriculture shall notify, by registered letter, all livestock auction markets, slaughter-

houses, abattoirs, packing houses, and any and all persons, firms and corporations engaged in the buying, selling or handling of cattle for slaughter in this State, and on and after the date specified in the letter the assessments approved and in force under said referendum shall be deducted by the purchaser, or his agent or representative, from the purchase price of any such cattle bought, acquired or sold for slaughter. It shall be unlawful for any livestock auction market, slaughterhouse, abattoir, packing house or the administrators or managers or agents of same or for any person, firm or corporation to acquire, buy or sell cattle for slaughter without deducting the assessments previously authorized by said referendum. The assessment or assessments for any month so deducted, shall, on or before the 20th day of the following month, be remitted by such purchaser as above described, to the Commissioner of Agriculture of North Carolina, who shall thereupon pay the amount of the assessments to the duly certified agency of the producers of such cattle sold for slaughter entitled thereto. The books and records of all such livestock auction markets, slaughterhouses, abattoirs, packing houses, or persons, firms or corporations engaged in buying, acquiring or selling cattle for slaughter shall at all times during regular business hours be open for the inspection by the Commissioner of Agriculture or his duly authorized agents. Provided, however, that if any livestock auction market, slaughterhouse, abattoir, packing house, or any person, firm or corporation engaged in buying, selling or handling cattle for slaughter in this State shall fail to collect or pay such assessments so deducted to the Commissioner of Agriculture of North Carolina, as herein provided, then and in such event suit may be brought by the duly certified agency concerned in a court of competent jurisdiction to enforce the collection of such assessments."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 359 CHAPTER 1177

AN ACT TO AMEND CHAPTER 106 OF THE GENERAL STATUTES OF NORTH CAROLINA BY INSERTING A NEW ARTICLE THEREIN PERTAINING TO THE FURTHER AGRICULTURAL DEVELOPMENT OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act may be cited as the "Agricultural Development Act."

Sec. 2. Purpose. It is hereby declared to be the intent and purpose of this Act to provide for a plan of assistance to the farmers and other citizens of this State in increasing agricultural income by making available to the various counties of the State the full resources of the Agricultural Extension Service, and other facilities, within the said counties, by means

of the Farm and Home Development Program and the Rural Development Program as authorized by Title 7, United States Code, and other existing agricultural agencies.

Sec. 3. The several counties of this State are hereby authorized to utilize the facilities of existing extension and other agricultural advisory committees for the purpose of installing and promoting the Farm and Home Development Program and/or the Rural Development Program, or other program within the purview of this Act, in the said counties; or, the several counties may, within their discretion, with the cooperation of the Agricultural Extension Service, create such new additional committees as may be needed for this purpose.

Sec. 4. It is declared to be the policy of the State of North Carolina to promote the efficient production and utilization of the products of the soil as essential to the health and welfare of our people and to promote a sound and prosperous agriculture and rural life as indispensable to the maintenance of maximum prosperity. For the attainment of these objectives the North Carolina Department of Agriculture, the School of Agriculture of North Carolina State College and each and every other department and agency of the State of North Carolina is hereby empowered to cooperate with the Agricultural Extension Service and the committees authorized by this Act to provide: development of new and improved methods of production, marketing, distribution, processing and utilization of plant and animal commodities at all stages from the original producer through to the ultimate consumer; development of present, new, and extended uses and markets for agricultural commodities and by-products as food or in commerce, manufacture or trade; introduction and breeding of new and useful agricultural crops, plants and animals, particularly those plants and crops which may be adapted to utilization in chemical and manufacturing industries; research, counsel and advice on new and more profitable uses of our resources of agricultural manpower, soils, plants, animals and equipment than those to which they are now devoted; methods of conservation, development, and use of land, forest, and water resources for agricultural purposes; guidance in the design, development, and more efficient and satisfactory use of farm buildings, farm homes, farm machinery, including the application of electricity, water and other forms of power; techniques relating to the diversification of farm enterprises, both as to the type of commodities produced, and as to the types of operations performed, on the individual farm; and assistance in appraising opportunities for making fuller use of the natural, human and community resources in the various counties of this State to the end that the income and level of living of rural people be increased.

Sec. 5. In effectuating the purposes of this Act, maximum use may be made of existing research facilities owned or controlled by the State of North Carolina or by the Federal government and of the facilities of the State and Federal extension services.

Sec. 6. The several counties of this State are hereby authorized to make such appropriations and expend such funds as shall be necessary to defray any part of the expenses of the programs authorized by this Act,

including the salaries of the Extension agents, special agents and other necessary personnel, and any funds made available by the Congress of the United States for this purpose may be accepted and used therefor.

Sec. 7. The authority granted by this Act is in addition to that granted to the Extension Service by the Congress of the United States and in no way infringes upon the administrative authority of the Director of the Extension Service or the existing policies of the Extension Service.

Sec. 8. Any county or municipality in this State may appropriate and contribute funds for the purposes of this Act and county and municipal expenditures for the aforesaid purposes are declared to be necessary expenses; and county expenditures therefor are declared to be for special purposes, for which special approval of the General Assembly is hereby given.

Sec. 9. The North Carolina Revisor of Statutes is hereby directed to codify this Act as a separate Article as a part of and at the end of Chapter 106 of the General Statutes, entitled "Agriculture".

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 365 **CHAPTER 1178**

AN ACT TO MAKE AVAILABLE FUNDS TO PROVIDE FOR PAYMENT OF THE EMPLOYER'S CONTRIBUTIONS IN SECURING RETROACTIVE SOCIAL SECURITY COVERAGE FOR JUSTICES OF THE SUPREME COURT AND JUDGES OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State to The Teachers' and State Employees' Retirement System, in addition to all other sums appropriated by the 1959 General Assembly, the sum of ten thousand five hundred dollars ($10,500.00), or so much thereof as may be necessary, to provide the State's or employer's contributions for social security coverage, retroactive to January 1, 1956, for Justices of the Supreme Court and Judges of the Superior Court, subject to a favorable referendum thereon as provided by State and Federal laws.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 366

CHAPTER 1179

AN ACT TO AMEND CHAPTER 128 OF THE GENERAL STATUTES RELATING TO MEMBERSHIP OF COUNTY WELFARE DEPARTMENT EMPLOYEES IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Chapter 128 of the General Statutes is hereby amended by inserting a new Section immediately following G. S. 128-37, to be designated as 128-37.1, and to read as follows:

"G. S. 128-37.1. Membership of Employees of County Welfare Department. Under such rules and regulations as the board of trustees shall establish and promulgate, the board of county commissioners of any county may elect that employees of the county welfare department may be members of the North Carolina Local Governmental Employees' Retirement System; provided, that such membership may be elected jointly with such county health department employees as provided under G. S. 128-37."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 369

CHAPTER 1180

AN ACT AMENDING G. S. 153-6 SO AS TO PROVIDE THAT VACANCIES ON THE BOARD OF COMMISSIONERS OF WAYNE COUNTY MAY BE FILLED BY APPOINTMENT BY THE REMAINING MEMBERS OF THE BOARD.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-6 be and the same is hereby amended by adding at the end thereof the following:

"Provided, that in case of a vacancy occurring in the membership of the Board of Commissioners of Wayne County, such vacancy shall be filled for the remainder of the unexpired term by appointment by the remaining members of said board, and that in the event of a tie vote the Clerk of the Superior Court of said county shall break the tie."

Sec. 2. All laws and clauses of laws, public or private, in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 389 **CHAPTER 1181**

AN ACT TO AMEND CHAPTERS 128 AND 135 OF THE GENERAL STATUTES RELATING TO THE INVESTMENT OF FUNDS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of G. S. 128-29 is hereby amended by adding a new subparagraph immediately following subparagraph (7) to be designated subparagraph (8) as follows:

"(8) Shares of any building and loan association organized under the laws of this State or of any federal savings and loan association having its principal office in this State, to the extent that such investment is insured by the Federal Government or an agency thereof."

Sec. 2. Subsection (a) of G. S. 135-7 is hereby amended by adding a new subparagraph immediately following subparagraph (7) to be designated subparagraph (8) as follows:

"(8) Shares of any building and loan association organized under the laws of this State or of any federal savings and loan association having its principal office in this State, to the extent that such investment is insured by the Federal Government or an agency thereof."

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 390 **CHAPTER 1182**

AN ACT TO STRENGTHEN THE SYSTEM OF EDUCATION IN THE INSTITUTIONS OF HIGHER LEARNING IN NORTH CAROLINA.

WHEREAS, education has been the greatest creative force for the advancement of mankind through the ages and is today the most effective instrument for enabling democracy to fulfill its destiny; and

WHEREAS, education offers to youth an inspiring experience in learning and the reward of immortality in achievement; and

WHEREAS, education develops in each individual the faculties necessary to render one's maximum service to society; and

WHEREAS, democratic government, which is now competing throughout the world for the sovereign allegiance and loyalties of men, functions effectually in proportion to the trained intellectual ability and moral integrity of its citizens; and

WHEREAS, North Carolina aspires to play a vital and timeless role in man's efforts to build for the human race a lasting civilization of justice, freedom and peace: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That increasing emphasis in the curriculum of all State institutions of higher learning shall be placed upon the pursuit of knowledge and the disciplines of the mind.

Sec. 2. That the youth of North Carolina be summoned to dedicate itself wholeheartedly to a crusade of intellectual self-improvement in order that this generation may be enriched by every possible contribution which the youth of this State can make to human progress.

Sec. 3. That the State of North Carolina, in order to encourage the highest possible standards of education, hereby establishes in its institutions of higher learning basic minimum requirements of scholarship, below which no institution shall fall, by empowering the trustees of each institution to implement this Act progressively by appropriate measures.

Sec. 4. That this Act shall require no additional appropriation by the present General Assembly of North Carolina.

Sec. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. That this Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 392 CHAPTER 1183

AN ACT TO AMEND G. S. 69-2 FOR CLARIFICATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 69-2, as the same now appears in the 1957 Cumulative Supplement to Volume 2B of the General Statutes, is hereby amended by striking out the word "he" now appearing in line 13 of said Section and by inserting in lieu thereof the words "the Commissioner, or any deputy appointed to conduct such investigations,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after date of ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 399 CHAPTER 1184

AN ACT TO AMEND G. S. 87-7 RELATING TO THE NORTH CAROLINA LICENSING BOARD FOR CONTRACTORS TO AUTHORIZE RETIREMENT COMPENSATION FOR ITS EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 87-7 is hereby amended by adding the following sentence at the end thereof:

"As an expense of the board, said board is authorized to expend such funds as it deems necessary to provide retirement and disability compensation for its employees."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 404 CHAPTER 1185

AN ACT TO AMEND G. S. 78-4 RELATING TO EXEMPT TRANSACTIONS UNDER THE SECURITIES LAW.

The General Assembly of North Carolina do enact:

Section 1. G. S. 78-4 is hereby amended by adding at the end thereof a new subsection as follows:

"(13) The offer or sale by a domestic corporation of securities issued by such corporation (a) organized for the purpose of promoting community agricultural or industrial development of the area in which its principal office is located and (b) approved by resolution of the county commissioners of the county in which its principal office is located, and if located in a municipality or within two miles of the boundaries thereof, by resolution of the governing body of such municipality, and (c) no commissions or other remuneration is paid or given for or in connection with the sale or other disposition of such securities."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 416 CHAPTER 1186

AN ACT RELATING TO THE OPERATION OF THE STATE FAIR AND THE HOLDING OF EXPOSITIONS AND OTHER PROJECTS ON THE GROUNDS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-502 is rewritten to read as follows:

"G. S. 106-502. Land Set Apart. For the purpose of the operating of a State Fair, expositions and other projects which properly represent the agricultural, manufacturing, industrial and other interests of the State of North Carolina, there is hereby dedicated and set apart two hundred acres of land owned by the State or any department thereof within five miles of the State Capitol, the particular acreage to be selected, set apart, and approved by the Governor and Council of the State of North Carolina."

Sec. 2. G. S. 106-503 is rewritten to read as follows:

"G. S. 106-503. Board of Agriculture to Operate Fair. The State Fair and other projects provided for in G. S. 106-502, shall be managed, operated and conducted by the Board of Agriculture established in G. S.

106-502. To that end, said Board of Agriculture shall, at its first meeting after the ratification of this Section, take over said State Fair, together with all the lands, buildings, machinery, etc., located thereon, now belonging to said State Fair and shall operate said State Fair and other projects with all the authority and power conferred upon the former board of directors, and it shall make such rules and regulations as it may deem necessary for the holding and conducting of said fair and other projects, and/or lease said fair properties so as to provide a State Fair."

Sec. 3. Subsection 2 of G. S. 106-503.1 is amended by striking out in line 3 the word "for" and substituting therefor the word "on". Said subsection is further amended by inserting in line 3 after the word "Fair" and before the comma which immediately follows it the word "grounds".

Sec. 4. All actions heretofore taken by the Manager of the North Carolina State Fair in the operation of projects on the fair grounds at times other than the annual dates of the State Fair are confirmed, ratified and validated.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 417

CHAPTER 1187

AN ACT TO PROVIDE FOR THE RETENTION OF CERTAIN CAPITAL IMPROVEMENT FUNDS BY THE DEPARTMENT OF AGRICULTURE FOR CAPITAL IMPROVEMENTS ON THE NORTH CAROLINA STATE FAIR GROUNDS.

The General Assembly of North Carolina do enact:

Section 1. Any balance remaining in Item No. 1, entitled "North Carolina State Fair—$144,000.00", of Section 8 of Chapter 1341, Session Laws of 1957, as the same appears on page 1430 thereof, shall not revert to the General Fund of the State under Section 9 of said Act, but shall remain to the credit of the Department of Agriculture to be expended, with the approval of the Advisory Budget Commission, for further Capital Improvements of the North Carolina State Fair Grounds.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 418 **CHAPTER 1188**

AN ACT TO AMEND G. S. 93-12, RELATING TO EXAMINATIONS FOR CERTIFICATES AS CERTIFIED PUBLIC ACCOUNTANTS.

The General Assembly of North Carolina do enact:

Section 1. The third paragraph of subsection 5 of G. S. 93-12, as the same appears in the 1958 Replacement Volume 2C, is amended by striking out in lines 17 through 22 of said paragraph the words, "Provided, however, that any person, who on July 1, 1955, shall have passed an examination on some of the subjects required by the Board, or, who prior to said date qualified of record with the Board to sit for said examinations, shall be permitted to take the examinations given by the Board at any time prior to July 1, 1958." and inserting in lieu thereof the following: "Provided, however, that any person holding valid credit on July 1, 1958, for having passed an examination on one or more of the subjects required by the Board shall be permitted to take the examinations given by the Board at any time prior to July 1, 1960."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 432 **CHAPTER 1189**

AN ACT TO AMEND G. S. 130-124 AND G. S. 130-148 RELATING TO THE CREATION OF SANITARY DISTRICTS AND THE ANNEXATION OF TERRITORY THERETO.

The General Assembly of North Carolina do enact:

Section 1. Section 130-124 of Article 12 of Chapter 130 of the General Statutes of North Carolina is hereby amended by inserting the word "resident" between the words "or more of the" and the word "freeholders" in the second sentence of said Section.

Sec. 2. Section 130-148 of said Article 12 of Chapter 130 is hereby amended by rewriting said Section to read as follows:

"G. S. 130-148. If, after any sanitary district shall have been created pursuant to the provisions of this Article or the provisions of this Article shall have been made applicable to any sanitary district, a petition signed by not less than fifteen per centum (15%) of the freeholders resident within any territory contiguous to and adjoining any such sanitary district shall be presented to the sanitary district board of such sanitary district praying that the territory described therein be annexed to and included within such sanitary district, the sanitary district board shall certify a copy thereof to the board of commissioners of the county in which such sanitary district is located and to the North Carolina State Board of Health, and said sanitary district board, through its chairman, shall request that a representative of the State Board of Health hold a joint

public hearing with the sanitary district board on the question of such annexation. The State Health Director and the chairman of the sanitary district board shall name a time and place at which such public hearing shall be held. The chairman of said sanitary district board shall publish a notice of such public hearing once in a newspaper or newspapers published or circulating in the territory proposed to be annexed and in such sanitary district stating that a public hearing concerning such annexation will be held jointly by the State Board of Health and the sanitary district board on a date not less than fifteen (15) days after the publication of such notice. If, after the holding of such public hearing, the State Board of Health shall approve the annexation of the territory described in said petition, the State Board of Health shall advise said board of commissioners of such approval and, upon its receipt of such advice, the board of commissioners shall order and provide for the holding of a special election within the territory proposed to be annexed upon the question of such annexation.

"If at or prior to such public hearing there shall be filed with the sanitary district board a petition signed by not less than fifteen per centum (15%) of the freeholders residing in the sanitary district requesting an election to be held therein on the question of such annexation, the sanitary district board shall certify a copy of such petition to the board of commissioners and the board of commissioners shall order and provide for the submission of such question to the qualified voters within the sanitary district. Any such election may be held on the same day as the election in the territory proposed to be annexed, and both such elections and the registration therefor may be held pursuant to a single notice.

"The date or dates of any such election or elections, the election officers, the polling places and the election precincts shall be determined by the board of commissioners who shall also provide any necessary registration and polling books, and the expenses of holding any such elections shall be paid from the funds of the sanitary district.

"Notice of any such election shall be given by publication once a week for three successive weeks, the first publication to be at least thirty (30) days before any such election, in a newspaper published or circulating in the territory to be annexed and, if an election is to be held in the sanitary district, in a newspaper published or circulating in said sanitary district. The notice shall state (a) the boundary lines of the territory proposed to be annexed to the sanitary district, (b) the boundary lines of the sanitary district after the annexation of such additional territory, and (c) that if a majority of the qualified voters voting at said election in the territory to be annexed and, if an election is being held in the sanitary district, a majority of the qualified voters voting at said election in such sanitary district, shall vote in favor of such annexation, the territory so annexed to such sanitary district shall be subject to all debts of such sanitary district.

"A new registration of the qualified voters in the territory to be annexed shall be ordered by the board of commissioners and, if an election is to be held in the sanitary district and such election is the first election held

in said sanitary district after its organization, a new registration of the qualified voters of said sanitary district shall be ordered. If an election has already been held in said sanitary district, a supplemental registration of all qualified voters not theretofore registered may, at the discretion of the board of commissioners, be ordered and held in accordance with the provisions for registration as herein set forth. Notice of any such registration shall be given by the board of commissioners by publication once at least thirty (30) days before the close of the registration books and such notice of registration may be considered one of the three notices required of the election. The time and manner of any such registration shall, as near as may be, conform with that of the registration of voters provided in G. S. 163-31. The notice of any such registration shall state the days on which the books will be open for the registration of voters and the place or places at which they will be open on Saturdays. The books for any such registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and, except as otherwise provided in this Article, any such election shall be held in accordance with the law governing general elections.

"A ballot shall be furnished to each qualified voter in any such election, which ballot may contain the words 'For Annexation to..... Sanitary District' and the words 'Against Annexation to..... Sanitary District', with squares opposite said affirmative and negative forms of the question of annexation submitted to the voters, in one of which squares the voter may make a cross (X) mark, but this form of ballot is not prescribed.

"If a majority of the qualified voters voting at said election in the territory to be annexed and, if an election has been held in the sanitary district, a majority of the qualified voters voting at said election in such sanitary district, shall vote in favor of the annexation of such territory to such sanitary district, the sanitary district shall be deemed to be enlarged from and after the date of the declaration of the result of the election or elections by the sanitary district board and the territory so annexed to the sanitary district shall be subject to all debts of such sanitary district.

"The returns of any such election shall be canvassed by the board of commissioners and certified to the sanitary district board which shall declare the result thereof.

"A statement of the result of any such election shall be prepared and signed by a majority of the members of the sanitary district board, which statement shall show the date of any such election, the number of qualified voters within the territory to be annexed who voted for and against the annexation and, if an election has been held within the sanitary district, the number of qualified voters within said sanitary district who voted for and against the annexation. If a majority of the qualified voters voting at the election in the territory to be annexed and, if an election has been held in the sanitary district, a majority of the qualified voters voting at the election in the sanitary district shall vote in favor of the annexation, the statement of result shall so declare the result of the election and state that such territory is from the date of such declaration a part of such

sanitary district and subject to all debts thereof. Such statement shall be published once. No right of action or defense founded upon the invalidity of any such election shall be asserted, nor shall the validity of any such election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement.

"If a sanitary district is located in more than one county, or if a sanitary district and all or any part of the territory proposed to be annexed is located in more than one county, or if the territory proposed to be annexed is located in more than one county, any petitions to be filed with, or requests to be made to, or actions or proceedings to be taken by the board of commissioners under the provisions of this Section, shall be filed with, made to, or taken severally by the board of commissioners of each county in which any part of the sanitary district or of the territory to be annexed is located.

"In any case where additional territory shall have been annexed to a sanitary district and the proposition of issuing bonds of the sanitary district after such annexation shall not be approved by the qualified voters at an election held within one year subsequent to such annexation fifty-one per cent (51%) or more of the resident freeholders within the territory so annexed may petition the sanitary district board for the removal and exclusion of such territory from the sanitary district, provided, however, that no such petition may be filed after bonds of the sanitary district shall have been approved in an election held at any time after such annexation. If the sanitary district board shall approve such petition it shall certify a copy thereof to the State Board of Health requesting that the petition be granted and shall certify additional copies to the board or boards of commissioners of the county or counties in which all or any part of the sanitary district is located. If, after a public hearing, conducted under the same procedure as provided herein for the annexation of additional territory, the State Board of Health shall deem it advisable to comply with the request of such petition, said Board shall adopt a resolution to that effect and shall redefine the boundaries of the sanitary district, which shall be the boundaries of the sanitary district as it existed before the annexation of such additional territory."

Sec. 3. The powers granted by this Act are in addition to and not in substitution for any other powers heretofore or hereafter granted.

Sec. 4. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect when and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 441 **CHAPTER 1190**

AN ACT TO AMEND G. S. 58-268 PERTAINING TO FRATERNAL, BENEFICIARY ORDERS, SOCIETIES, OR ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-268 is hereby amended by adding a new sentence at the end of said Section to read as follows:

"Organizers or agents shall be licensed without requiring an examination."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 443 **CHAPTER 1191**

AN ACT RELATING TO THE MEETINGS OF THE STATE HIGHWAY COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 136-2 of the General Statutes, as the same appears in Volume 3B (1958 Replacement) of the General Statutes, by rewriting the first paragraph of said Section to read as follows:

"The headquarters and main office of the said Commission shall be located in Raleigh, and the Commission shall meet once in each sixty days at such regular meeting time as the Commission by rule may provide and at any place within the State as the Commission may provide and as is provided in G. S. 136-1, and may hold special meetings at any time or place within the State at the call of the Chairman, or the Governor, or any three members of the Commission."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 465 **CHAPTER 1192**

AN ACT RELATIVE TO INVENTORIES OF DECEDENTS' LOCK BOXES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-24, as same appears in the 1958 Replacement Volume 2C of the General Statutes, is hereby amended by inserting between the word "using" and the word "such" in line 25 the words "or having access to" and by inserting between the comma and the words "or cotenant" in line 27 of said Section the word "lessee".

Sec. 1½. G. S. 105-24, as same appears in the 1958 Replacement Volume 2C of the General Statutes, is hereby further amended by deleting the period at the end of the sentence ending on line 36 thereof and adding in lieu thereof the words "; provided, that for lock boxes to which decedent merely had access the inventory shall include only assets in which the decedent has or had an interest."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 467

CHAPTER 1193

AN ACT TO AMEND CHAPTER 716, SESSION LAWS OF 1947, AND CHAPTER 665, SESSION LAWS OF 1955, RELATING TO THE NOMINATION AND ELECTION OF MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF THE CITY OF CONCORD IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 16 of Chapter 716, Session Laws of 1947, is hereby rewritten to read as follows:

"Sec. 16. On Tuesday after the first Monday in May, 1961, and quadrennially thereafter, there shall be elected at large by the qualified voters of the City of Concord a mayor and seven members of the board of aldermen. Each member of the board of aldermen shall represent on said board the ward from which he was elected. The aldermen so elected shall constitute the Board of Aldermen of the City of Concord, and each alderman and the mayor shall hold office for a term of four years, or until his successor is duly elected and qualified. Provided, that no person shall have the right to vote at any election in said city unless he shall have been a bona fide resident of the ward in which he proposes to register and vote, according to the requirements and provisions of the general election laws of the State of North Carolina."

Sec. 2. Section 1 of Chapter 665, Session Laws of 1955, is hereby amended by striking out the words: "and one member of the board of aldermen, who shall be elected at large of and by the qualified voters of said city, and in each of said wards there shall be nominated separately of and by the qualified voters therein one alderman for each ward", immediately following the word "mayor" in line 9 and immediately preceding the semicolon before the word "and" in line 12 of said Section, and substituting in lieu thereof the words "and seven members of the board of aldermen, one of whom shall be nominated at large and six of whom shall be nominated, one each from each of the six wards, by all of the qualified voters of said city who participate in said party primary".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 468 CHAPTER 1194

AN ACT TO AMEND ARTICLE 9 OF CHAPTER 66 OF THE GENERAL STATUTES RELATING TO COLLECTION OF ACCOUNTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 66-41, as the same appears in Volume 2B of the General Statutes, is hereby amended by striking out the words "the main" immediately following the word "in" and immediately preceding the word "office" in line 7 of said Section, and substituting in lieu thereof the word "each".

Sec. 2. G. S. 66-42, as the same appears in Volume 2B of the General Statutes, is hereby amended by adding immediately following the period after the word "application" and immediately preceding the word "All" in line 7 of said Section the following:

"Information required shall include evidence of good moral character, that no unsatisfied judgments are against the person, firm or corporation filing the application, and a financial statement showing that the applicant's assets exceed liabilities."

Sec. 3. Article 9 of Chapter 66, as the same appears in Volume 2B of the General Statutes, is hereby amended by adding two new Sections immediately following G. S. 66-42 and immediately preceding G. S. 66-43, to be numbered G. S. 66-42.1 and G. S. 66-42.2, and to read as follows:

"G. S. 66-42.1. Bond Requirement. As a condition precedent to the issuance of any permit under G. S. 66-41 to any person, firm or corporation, such person, firm or corporation shall file with the Insurance Commissioner and shall thereafter maintain in force while licensed a bond in favor of the State of North Carolina and executed by a surety company duly authorized to transact business in this State. Such bond shall be in an amount and in such form as the Insurance Commissioner may require, except that the bond shall be for not less than five thousand dollars ($5,000.00) and conditioned upon the faithful accounting and payment over of any funds collected for any other person, firm or corporation. The bond shall be continuous in form and shall remain in full force and effect until all monies collected have been accounted for, and it shall be expressly stated in the bond that it is for the benefit of any person, firm or corporation for whom said collection agency engages in the collection of accounts."

"G. S. 66-42.2. Record of Business in State. Each person, firm or corporation licensed as a collection agency in North Carolina shall maintain an office in this State and keep and maintain a full and correct record of all business done in this State, and all such records shall be open to inspection by the Commissioner or his duly authorized deputy upon demand."

Sec. 3½. Section 3A, Article 9 of Chapter 66, as the same appears in Volume 2B of the General Statutes is hereby amended by adding a new Section to be numbered G. S. 66-42.3, and to read as follows: "G. S. 66-42.3. Effective date. All licenses and renewals of licenses issued by the Insurance Department on or after July 1, 1959, under the provisions of this Article, shall meet the requirements of this Article."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 494 **CHAPTER 1195**

AN ACT TO AMEND G. S. 7-134.1 RELATING TO THE COST OF FURNISHING JUSTICES OF THE PEACE WITH PRINTED WARRANTS AND RECEIPT BOOKS IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-134.1, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding at the end thereof the following:

"Provided, that in Union County, all justices of the peace shall reimburse the Clerk of the Superior Court of Union County, out of the fees collected by the justices of the peace, for the full cost of printing warrants, warrants-issued register pages, and receipt books for the use of said justices of the peace. The Clerk of the Superior Court of Union County shall send a statement of cost to each justice of the peace when distributing printed sets of warrants, warrants-issued register pages and receipt books."

Sec. 2. This Act shall be applicable only to Union County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 496 **CHAPTER 1196**

AN ACT TO PROVIDE FOR TREATMENT OF SELF-INFLICTED INJURIES UPON AN INMATE OF THE STATE PRISON SYSTEM WHEN CONSENT IS REFUSED BY THE INMATE.

The General Assembly of North Carolina do enact:

Section 1. When a board comprised of the Director of Prisons, the chief medical officer of a prison hospital or penal institution, and a representative of the State or County Welfare Department of the county where the prisoner is confined, shall convene and find as a fact that the injury to

any prisoner was wilfully and intentionally self-inflicted and that an operation or treatment is necessary for the preservation or restoration of the health of the prisoner and that the prisoner is competent to act for himself or herself; and that attempts have been made to obtain consent for the proposed operation or treatment but such consent was refused, and the findings made by this board have been reduced to writing and entered into the prisoner's records as a permanent part thereof, then the local health director, as defined by G. S. 130-3, or in the event a local health director is not immediately available then the local health director of any adjoining or nearby area, shall be authorized to give or withhold, on behalf of the prisoner, consent to the operation or treatment.

Sec. 2. In all cases coming under the provisions of this Act, the medical staff of the hospital or institution shall keep a careful and complete medical record of the treatment and surgical procedures undertaken. The record shall be signed by the chief medical officer of the hospital or institution and the surgeon performing any surgery.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 497 **CHAPTER 1197**

AN ACT TO PROVIDE FOR THE PUNISHMENT OF INMATES OF THE STATE PRISON SYSTEM WHO INFLICT OR ASSIST IN THE INFLICTION OF SELF-INJURY RESULTING IN INCAPACITY TO PERFORM ASSIGNED DUTIES.

The General Assembly of North Carolina do enact:

Section 1. Any person serving a sentence or sentences within the State Prison System who, during the term of such imprisonment, wilfully and intentionally inflicts upon himself any injury resulting in a permanent or temporary incapacity to perform work or duties assigned to him by the State Prison Department, or any prisoner who aids or abets any other prisoner in the commission of such offense, shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State's Prison for a term not exceeding ten years in the discretion of the court.

Sec. 2. This Act does not apply to any offenses committed prior to the effective date of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 505 **CHAPTER 1198**

AN ACT AUTHORIZING THE TOWN OF MURFREESBORO TO CONVEY TO THE TRUSTEES OF MURFREESBORO CIVIC COUNCIL OR MURFREESBORO CIVIC COUNCIL, INC. CERTAIN REAL PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. That notwithstanding the provisions of G. S. 160-59, the governing body of the Town of Murfreesboro be and it is hereby authorized, in its discretion, to sell and convey to the Trustees of the Murfreesboro Civic Council or the Murfreesboro Civic Council, Inc. for the consideration of three thousand dollars ($3,000.00) cash, at private sale all that certain tract or parcel of land owned by said Town of Murfreesboro situate on the North side of Broad Street East of Sycamore Street Extended, and purchased by said town from J. M. Anderson.

Sec. 2. In the deed conveying the lands described in the first Section of this Act by the Town of Murfreesboro to the Trustees of the Murfreesboro Civic Council or the Murfreesboro Civic Council, Inc. the following conditions shall be inserted:

(1) If, at any time after the purchase of said property, the Trustees of the Murfreesboro Civic Council or the Murfreesboro Civic Council, Inc. shall decide to sell the same, the property shall first be offered back to the Town of Murfreesboro at the sales price of three thousand dollars ($3,000.00), before being offered to any other purchaser.

(2) If within two years after the execution and delivery of the deed conveying title to the said property the construction of a teenage club has not been substantially begun, with walls erected on said property, the title to said lands shall revert to the Town of Murfreesboro upon payment by said town of the sales price of three thousand dollars ($3,000.00).

Sec. 3. The authorization to convey the property described in this Act to the Trustees of the Murfreesboro Civic Council or the Murfreesboro Civic Council, Inc. shall expire by limitation on September 1, 1959, and if said purchase and sale is not completed by said date, the Town of Murfreesboro shall have no authority to convey said property except upon compliance with the provisions of G. S. 160-59.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 509 **CHAPTER 1199**

AN ACT TO PROVIDE THAT THE COUNTY ACCOUNTANT OF HARNETT COUNTY SHALL PERIODICALLY PREPARE AND PUBLISH A CONSOLIDATED FINANCIAL STATEMENT OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to the financial statement required by G. S. 153-123, as the same appears in the 1957 Cumulative Supplement to Volume 3C, the County Accountant of Harnett County shall, during the month of January of each year, prepare and cause to be published a consolidated financial statement showing the amount of taxes collected by Harnett County during the preceding calendar year from all sources and the total amounts expended by Harnett County during such year, and said statement shall make reference to the fact that a more detailed statement of receipts and expenditures is available for examination to any citizen of Harnett County in the office of the county accountant.

Sec. 2. This Act shall apply to Harnett County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 510 **CHAPTER 1200**

AN ACT RELATING TO THE SALARIES OF THE JUDGE AND SOLICITOR OF THE RECORDERS COURT OF DUNN AND THE FEES TO BE TAXED AS A PART OF THE COSTS IN SAID COURT AND THE FEES TO BE TAXED AS A PART OF THE COSTS OF THE RECORDERS COURT OF HARNETT COUNTY.

WHEREAS, the work load of the Recorders Court of Dunn has increased substantially in recent years and the duties of the Solicitor and the Judge of the said Court consume a large portion of the time of the said officers; and

WHEREAS, under the Canon of Ethics of the North Carolina State Bar, the Solicitor and the Judge of the Recorders Court are hereby prohibited from accepting employment in any criminal action and in any civil action in which a criminal action has arisen or is likely to arise; and

WHEREAS, there is now taxed as a part of the costs in the Recorders Court of Dunn a certain sum for the Solicitor and the Judge, which said sum is paid into the General Fund of the Town of Dunn, and that it is now desirable to increase said fees to the end that the said Court shall be self-supporting; and

WHEREAS, the jail fees for the Town of Dunn as now established by law are sixty cents (60¢), which are totally inadequate under present-day costs, and it has been requested by the Town Board that this cost be increased to one dollar and ten cents ($1.10); and

WHEREAS, by a local Act in the General Assembly the salaries of the various officers of the Harnett County Recorders Court were increased for the reasons aforesaid, and it is now desirable that the fees for the Judge, Solicitor and Clerk be increased twenty-five cents (25¢) each to the end that the Court shall be self-sustaining, all of which fees are paid into the General Fund; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The salaries of the Judge and the Solicitor of the Recorders Court of Dunn are each hereby raised eight hundred dollars ($800.00) per annum, which raises in salary shall be in addition to the amount heretofore received by such officers.

Sec. 2. There shall be taxed as a part of the costs in each criminal action tried in the Recorders Court of the Town of Dunn the sum of four dollars ($4.00) for the Solicitor and four dollars ($4.00) for the Judge, which sums shall be in lieu of the fees presently taxed as a part of the said costs, and that shall be paid into the General Fund of the Town of Dunn.

Sec. 3. The jail fee for the Town of Dunn shall be one dollar and ten cents ($1.10).

Sec. 4. The amount now taxed as part of the costs in the Harnett County Recorders Court for the Judge, Solicitor and Clerk shall be increased by twenty-five cents (25¢) each and all of said fees shall be paid into the General Fund of Harnett County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 512

CHAPTER 1201

AN ACT TO AMEND CHAPTER 158 OF THE PUBLIC-LOCAL LAWS OF 1911 RELATING TO THE CIVIL JURISDICTION OF THE VANCE COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. Sections 13 through 18, inclusive, of Chapter 158 of the Public-Local Laws of 1911 are hereby rewritten to read as follows:

"Sec. 13. Vance County Recorder's Court shall have the following jurisdiction in civil matters:

(1) Jurisdiction concurrent with that of justices of the peace in the county; and

(2) Jurisdiction concurrent with the Superior Court in all civil matters, except those involving domestic relations, divorce or custody of children, where the amount demanded or the value of the property in controversy does not exceed three thousand dollars ($3,000.00), excessive of interest and costs.

"Sec. 14. In the trial of civil matters in the Vance County Recorder's Court, any party shall be entitled to the right of trial by jury, unless the jury trial is waived, as hereinafter provided:

(1) In those cases in which no written pleadings are required, the parties shall be conclusively presumed to have expressly waived their right to trial by jury unless at the time of the issuance of the summons the plaintiff or petitioner demands a jury trial in writing, or the defendant at any time before the commencement of the trial demands a jury trial in writing.

(2) In those cases in which written pleadings are required to be filed, the parties shall be conclusively presumed to expressly waive their right to trial by jury unless at the time of the filing of the complaint or petition the plaintiff demands a jury trial in writing, or unless at the time of the filing of the answer or other pleadings raising a question of fact, the defendant or other pleading party demands a jury trial in writing.

(3) The jury shall be composed of six persons in all civil cases where a jury is demanded.

(4) When a trial by jury is demanded in a civil case, the judge shall continue the cause until a day to be set, and the judge together with the attorneys representing all parties shall immediately proceed to the office of the register of deeds of the county and cause to be drawn a jury panel of twelve (12), in the manner followed in the drawing of the juries for the Superior Court. The judge shall thereupon issue the proper writ to the sheriff of the county, commanding him to summon the jurors so drawn to appear at the court on the day set for the trial of the action. Such jurors shall receive the same compensation as provided for jurors serving in the Superior Court and are to be paid out of the treasury of the county on presentation of a ticket duly issued by the Clerk of the Superior Court. The judge shall also have the right to call in talesmen to serve as jurors according to the procedure of the Superior Court and to direct the sheriff to call in a sufficient number of talesmen to serve during any one week or part of a week for the proper dispatch of the business of the Court.

"Sec. 15. Process, both civil and criminal, issued out of the Vance County Recorder's Court shall run and be effective throughout the State.

"Sec. 16. Procedure followed in the Vance County Recorder's Court in the trial of civil actions shall be the same as is now, or may hereafter be, prescribed for the trial of civil actions in the Superior Court, and all judgments of the Vance County Recorder's Court in civil actions, except those for costs only, shall be docketed in the office of the Clerk of the Superior Court of Vance County, and shall thereupon become liens and execution shall issue thereon as is now provided thereon for executions issuing from the Superior Court.

"Sec. 17. Appeals shall lie in any civil action from the Vance County Recorder's Court to the Superior Court as is now provided for appeals from the courts of the justices of the peace to the Superior Court and upon such appeal, trial in the Superior Court shall be de novo.

"Sec. 18. The Recorder of the Vance County Recorder's Court shall be a qualified member of the North Carolina State Bar, elected as provided in

Section 4 of Chapter 409 of the Session Laws of 1949, but shall not by virtue of his office be prevented from practicing law in matters in which he is in no way connected by reason of his office, or in any other court of the State in matters which have not been or will not be heard by him by virtue of his office. The Clerk of the Vance County Recorder's Court shall likewise not be deprived of holding any office the duties of which do not interfere with his performance of the duties of the office of Clerk of the Vance County Recorder's Court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 513 CHAPTER 1202

AN ACT TO AMEND SECTION 9 OF CHAPTER 673, SESSION LAWS OF 1945, AS AMENDED, SO AS TO MAKE IT UNLAWFUL FOR PROFESSIONAL BONDSMEN IN COLUMBUS COUNTY TO CHARGE MORE THAN SEVEN AND ONE-HALF PER CENT OF THE PENALTY OF ANY BOND.

The General Assembly of North Carolina do enact:

Section 1. Section 9 of Chapter 673, Session Laws of 1945, made applicable to Columbus County by Chapter 708, Session Laws of 1951, is hereby amended, only insofar as it applies to Columbus County, by striking out the words, figure and character "five per cent (5%)", appearing in line 3 of the Section, and inserting in lieu thereof the words, figure and character "seven and one-half per cent (7½%)".

Sec. 2. This Act shall apply only to Columbus County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 78 CHAPTER 1203

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO MAKE CERTAIN CORRECTIONS AND CLARIFICATIONS IN THE ELECTION LAWS.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 163-12 by deleting from line 3 of the first paragraph of said Section the words "seventh Saturday", and inserting in lieu thereof the words "ninth Saturday"; and further amend this Section by changing the words in line 6 of the third paragraph "ten dollars per day" to "fifteen dollars per day".

Sec. 2. Amend Article 14 of subchapter 1, of Chapter 163 of the General Statutes by adding immediately after Section 163-84.1 a new Section which shall be designated as Section 163-84.2, and which new Section shall read as follows:

"Sec. 163-84.2. Preservation of Ballots; Locking and Sealing of Ballot Boxes; Signing of Certificates. After the counting is completed on the night of any primary or election, all ballots voted shall be put back in the proper ballot boxes from which they were taken, and the registrar and judges shall properly securely lock each ballot box, and securely place a seal around the top of the boxes so that no ballot can be taken from or put in any of the boxes, and the registrar and judges shall sign the seal on each box. These ballot boxes shall remain in the safe custody of the registrar subject to any orders from the chairman of the county board of elections as to their disposition. It shall be the duty of the chairman of the county board of elections to furnish to each registrar all locks and proper seals for all ballot boxes, with proper instructions as to how each box is to be securely locked and sealed in compliance with this Act. There shall be printed on each precinct return form to be signed by the registrar and judges after the count is completed a certificate certifying that each ballot box was properly locked, sealed and signed by the registrar and judges, as herein prescribed, before they left the polling place on primary or election night. Willful failure to securely lock, seal and sign the seal on each ballot box on the night of any primary or election, and willful failure to sign the certificate on the duplicate return forms certifying that this has been done shall constitute a misdemeanor."

Sec. 3. Amend G. S. 163-92 by changing the period at the end of the Section to a comma and adding the following: "or until at least five days after the results of the election have been officially certified and public notice given of the results and no contest or appeals have been filed with the county board of elections contesting the official declared results."

Sec. 4. Amend G. S. 163-119 by adding to the last paragraph thereof the following sentence: "Any person registered as an Independent, or with no party affiliation recorded on the registration book, shall not be eligible to file as a candidate in a primary election."

Further amend G. S. 163-119 by deleting in line 5 of the second paragraph thereof the words "on or before the sixth Saturday before such primary is to be held" and insert in lieu thereof the words "on or before the Friday preceding the sixth Saturday before such primary election is to be held".

Further amend G. S. 163-119 by adding another sentence to the notice of candidacy form set forth in this Section to read as follows: "I further pledge myself that if I am defeated in said primary, I will not run for any office as a write-in candidate in the next general election."

Sec. 5. Amend G. S. 163-120 by deleting therefrom all of that part of said Section beginning with the word "Provided" in line 8 thereof and running to the end of said Section and ending with the words "five hundred dollars", and substituting in lieu thereof the words, "Provided, that all candidates for nomination for any county or township office operated

on a fee basis shall pay to the county board of elections a flat filing fee as follows: county commissioners, ten dollars ($10.00); county board of education, five dollars ($5.00); sheriff, Clerk of the Superior Court and register of deeds, forty dollars ($40.00), plus one per cent (1%) of the income of the office above four thousand dollars ($4,000.00); and any other county office on a fee basis, twenty dollars ($20.00), plus one per cent (1%) of the income of the office above two thousand dollars ($2,000.00); township constable, ten dollars ($10.00), plus one per cent (1%) of the income of the office above one thousand dollars ($1,000.00); and justice of the peace, ten dollars ($10.00), plus one per cent (1%) of the income of the office above one thousand dollars ($1,000.00). The filing fees which shall be paid by candidates for a county or township office operated on a part salary and part-fee basis shall be one per cent (1%) of the first annual salary received and shall not include any fees received.

Sec. 6. Amend G. S. 163-123 by adding a new paragraph at the end thereof to read as follows:

"Under this Section any person who will have become qualified by age or residence to register and vote in the general election for which the primary is held, even though not so qualified by age or residence by the date of the primary election, shall be entitled to register and vote in the said primary election if otherwise qualified; provided, such person shall register while the registration books are open prior to the primary election in compliance with the provisions set forth in the above paragraph and in other registration requirements. No such person shall be permitted to register on the day of the first or second primary under this provision who fails to register during the regular registration period prior to such primary."

Sec. 7. Amend G. S. 163-126 by deleting from the first paragraph of said Section the last sentence reading as follows: "Any person who has become of the age of twenty-one years between the time when the books closed for registration and the day of the primary election, and who is otherwise a qualified elector, and who desires to register and vote as a member of a political party, may do so in the manner herein provided."

Sec. 8. Amend G. S. 163-167 by changing the comma after the word "therefor", in line 5 thereof, to a period and by deleting from lines 5 and 6 thereof the words "and marking a cross (X) opposite thereto."

Sec. 9. Amend G. S. 163-175, subsection (3), by changing the comma after the word "place", in line 3 of said subsection, to a period and by deleting from lines 3 and 4 thereof the words "and making a cross (X) mark in the blank space at the left of the name so written in."

Sec. 10. Amend G. S. 163-193 by adding at the end of the last sentence of said Section the following two new sentences: "It shall be the duty of each chairman of a county board of elections to send a written notice to each candidate in a primary election who filed a notice of candidacy with said chairman, and who had one or more candidates to run against the candidate in the primary, of this requirement to file his or her primary campaign statement of expenses with the Clerk of the Superior Court both before and after the primary. Such notice shall not be required

where an unopposed candidate did not have to run in the primary and was nominated without party opposition."

Sec. 11. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 373 CHAPTER 1204

AN ACT AUTHORIZING MUNICIPALITIES WITH POPULATIONS OF 2,500 OR MORE TO ZONE FOR A DISTANCE OF ONE MILE BEYOND THEIR CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Section 1. That Article 14 of Chapter 160 of the General Statutes of North Carolina is hereby amended by adding the following new Section at the end thereof:

"G. S. 160-181.2. Extraterritorial Jurisdiction. The legislative body of any municipality whose population at the time of the latest decennial census of the United States was 2,500 or more may exercise the powers granted in this Article not only within its corporate limits but also within the territory extending for a distance of one mile beyond such limits in all directions; provided, that any ordinance intended to have application beyond the corporate limits of the municipality shall expressly so provide, and provided further that such ordinance be adopted in accordance with the provisions set forth herein. In the event of land lying outside a municipality and lying within a distance of one mile of more than one municipality, the jurisdiction of each such municipality shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities. No extraterritorial regulations shall affect bona fide farms, but any use of such property for non-farm purposes shall be subject to such regulations.

"As a prerequisite to the exercise of such powers, the membership of the zoning commission or planning board charged with the preparation of proposed regulations for the one-mile area outside the corporate limits shall be increased to include additional members who shall represent such outside area. The number of additional members representing such outside area shall be equal in number to the members of the planning board or zoning commission appointed by the governing body of the municipality. Such additional members shall be residents of the one-mile area outside the corporate limits and shall be appointed by the board of county commissioners of the county wherein the municipality is situated. Such members shall have equal rights, privileges, and duties with the other members of the zoning commission or planning board in all matters pertaining to the regulation of such area, both in preparation of the original regulations and in consideration of any proposed amendments to such regulations.

"In the event that a municipal legislative body adopts zoning regulations for the area outside its corporate limits, it shall increase the membership of the board of adjustment by adding five additional members. Such members shall be residents of the one-mile area outside the corporate limits and shall be appointed by the board of county commissioners of the county wherein the municipality is situated. Such members shall have equal rights, privileges, and duties with the other members of the board of adjustment in all matters pertaining to the regulation of such area. The concurring vote of eight members of such enlarged board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of an ordinance.

"Where the extraterritorial jurisdiction of a municipality extends into more than one county, the board of county commissioners of each county affected shall appoint the outside members of the zoning commission or planning board and of the board of adjustment, from among the residents of the area included in its county; such outside members shall function only with respect to the area included in the county in which they reside.

"Any municipal legislative body exercising the powers granted by this Section may provide for the enforcement of its regulations for the outside area in the same manner as the regulations for the area inside the city are enforced; provided this Section shall not apply to Cumberland, Davie, Franklin, Gaston, Harnett, Iredell, Macon, Mitchell, Moore, Onslow, Orange, Pender, Person, Tyrrell, Vance, Warren, Washington, Watauga and Wayne Counties."

Sec. 1.1. The requirement that a municipality shall have a population of 2,500 or more shall not apply to Montgomery County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 439 CHAPTER 1205

AN ACT TO AMEND G. S. 105-80, RELATING TO THE TAX ON DEALERS IN PISTOLS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-80, as the same appears in the 1958 Replacement Volume 2C, is amended by striking out, in line 9, the figure "200.00" and inserting in lieu thereof the figure "50.00".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 476 CHAPTER 1206

AN ACT TO AMEND ARTICLE 5 SECTION 52 AND ARTICLE 5 SECTION 58(F) OF CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE STATE BOARD OF REFRIGERATION EXAMINERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 87-58(F) is amended by striking out the entire Section and inserting in lieu thereof the following:

"Licenses Granted Without Examination. Persons who had an established place of business prior to January 1, 1956, and persons who have an established place of business in cities or towns which attain a population of more than 10,000, as indicated by the last official United States Census, and who produce satisfactory evidence that they are engaged in the refrigeration business as herein defined, and who have paid the required State revenue tax for the census year in which the municipality attained a population of more than 10,000, shall be granted a certificate of license, without examination, upon application to the Board and payment of the license fee."

Sec. 2. G. S. 87-52 is hereby amended by striking out the words "one member from the State Board of Health," at the beginning of line 6 of said Section and inserting in lieu thereof the following: "an employee of the State Board of Health,".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 477 CHAPTER 1207

AN ACT TO AMEND CHAPTER 150 SECTION 9 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO INCLUDE WITHIN SAID SECTION THE STATE BOARD OF REFRIGERATION EXAMINERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 150-9 is amended by changing the final period to a comma and by adding the following at the end of said Section: "and the State Board of Refrigeration Examiners".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 550 **CHAPTER 1208**

AN ACT TO AMEND CHAPTER 64 OF THE GENERAL STATUTES RELATING TO PROPERTY RIGHTS OF ALIENS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 64 of the General Statutes is hereby amended by adding three new Sections immediately following G. S. 64-2, to be designated as G. S. 64-3, G. S. 64-4 and G. S. 64-5, and to read as follows:

"G. S. 64-3. Nonresident Aliens; Right to Take Real or Personal Property; Reciprocity. The right of aliens not residing within the United States or its territories to take real property in this State by succession or testamentary disposition, upon the same terms and conditions as residents and citizens of the United States is dependent in each case upon the existence of a reciprocal right upon the part of citizens of the United States to take real property upon the same terms and conditions as residents and citizens of the respective countries of which such aliens are residents and the right of aliens not residing in the United States or its territories to take personal property in this State by succession or testamentary disposition, upon the same terms and conditions as residents and citizens of the United States is dependent in each case upon the existence of a reciprocal right upon the part of citizens of the United States to take personal property upon the same terms and conditions as residents and citizens of the respective countries of which such aliens are residents.

"G. S. 64-4. Burden of Establishing Reciprocal Rights. The burden shall be upon such nonresident aliens to establish the fact of existence of the reciprocal rights set forth in G. S. 64-3.

"G. S. 64-5. Nonresident Aliens; Absence of Reciprocity; Escheat. If such reciprocal rights are not found to exist and if no heirs other than such aliens are found eligible to take such property, the property shall be disposed of as escheated property."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 595 **CHAPTER 1209**

AN ACT TO AUTHORIZE THE USE OF SPECIAL EQUIPMENT ON PRIVATELY OWNED VEHICLES OPERATED BY THE CHIEF AND ONE ASSISTANT CHIEF OF EMERGENCY RESCUE SQUADS AND FIRST-AID TEAMS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 20-125, as the same appears in the 1957 Supplement to the General Statutes, is amended by adding at the end thereof a new paragraph to read as follows:

"In addition to the use of special equipment authorized and required by this subsection, the chief and assistant chiefs of each emergency rescue squad which is recognized or sponsored by any municipality or civil defense agency, are hereby authorized to use such special equipment on privately-owned vehicles operated by them while actually engaged in their official or semiofficial duties or services either within or beyond the corporate limits of the municipality which recognizes or sponsors such organizations."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 631 CHAPTER 1210

AN ACT TO PROVIDE FOR THE INVESTIGATION OF OFFENSES INVOLVING ABANDONMENT AND NONSUPPORT OF CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 15 of the General Statutes, entitled "Criminal Procedure", is hereby amended by inserting a new Article therein to be numbered Article 15A and to read as follows:

"Article 15A.

"Investigation of Offenses Involving Abandonment and Nonsupport of Children.

"§ 15-155.1. Reports to Solicitors of Aid to Dependent Children and Illegitimate Births. The State Board of Public Welfare, by and through the Director of Public Assistance, shall promptly after the effective date of this Section make a report to each Solicitor of Superior Court, setting out the names and addresses of all mothers who reside in his solicitorial district and are recipients of aid to dependent children under the provisions of Part 2, Article 3, Chapter 108 of the General Statutes. Such report shall in some manner show the identity of the unwed mothers and shall set forth the number of children born to each said mother. Such a report shall also be made monthly thereafter setting out the names and addresses of all such mothers who reside in the district and who may have become recipients of aid to dependent children since the date of the last report.

"§ 15-155.2. Solicitor to Take Action on Report of Aid to Dependent Child or Illegitimate Birth. (a) Upon receipt of such reports as are provided for in G. S. 15-155.1, the Solicitor of Superior Court may make an investigation to determine whether the mother of an illegitimate child or who is a recipient of aid to a dependent child or children, has abandoned, is wilfully neglecting or is refusing to support and maintain the child within the meaning of G. S. 14-326 or G. S. 49-2 or is diverting any part of the funds received as aid to a dependent child to any purpose other than

for the support and maintenance of such dependent child in violation of G. S. 108-76.1. In making this investigation the solicitor is authorized to call upon:

"(1) Any county board of public welfare or the State Board of Public Welfare for personal, clerical or investigative assistance and for access to any records kept by either such board and relating to the matter under investigation and such boards are hereby directed to assist in all investigations hereunder and to furnish all records relating thereto when so requested by the solicitor;

"(2) The board of county commissioners of any county within his district for legal or clerical assistance in making any investigation or investigations in such county and such boards are hereby authorized to furnish such assistance in their discretion; and

"(3) The solicitor of any inferior court in his district for personal assistance in making any investigation or investigations in the county in which the court is located and any solicitor so called upon is hereby authorized to furnish such assistance by and with the consent of the board of county commissioners of the county in which the court is located, which board shall provide and fix his compensation for assistance furnished.

"(b) If following the investigation the solicitor has reasonable grounds to believe that a violation of G. S. 49-2, G. S. 14-326, G. S. 108-76.1 or any other criminal offense is being or has been committed, he shall send to the Grand Jury of the county in which he believes the offense is being or has been committed a bill of indictment charging the commission of the offense. Sole and exclusive jurisdiction of offenses discovered as a result of investigations under this Section shall be vested in the Superior Court notwithstanding any other provision of law, whether general, special or local. Provided nothing in this Act shall be construed to take from the inferior courts any authority or responsibility now vested in them by existing law or to compel the solicitor to again prosecute a crime that has been disposed of in the inferior courts.

"(c) If, however, as a result of the investigation provided for in subsection (a) of this Section the solicitor has reason to believe that the mother of the illegitimate child or who is recipient of aid to a dependent child, is a mental defective or suffers from a mental disease, mental disorder or mental illness within the meaning of G. S. 122-35.1, he shall make the affidavit provided for in G. S. 122-42 looking to the commitment of such person to the State Hospital pursuant to Article 3, Chapter 122 of the General Statutes."

Sec. 2. Article 3 of Chapter 108 of the General Statutes is hereby amended by adding at the end thereof among the general provisions a new Section to be numbered G. S. 108-76.1 and to read as follows:

"§ 108-76.1. Diversion of Aid or Violation of Article a Misdemeanor. If any person wilfully violates any provision of this Article or diverts any assistance granted under the provisions of this Article to any use other than that for which the assistance was granted, such person shall be guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned or both in the discretion of the court."

Sec. 3. G. S. 108-57 is hereby amended by adding thereto a new subdivision (i) to read as follows:

"(i) Make to the Solicitor of Superior Court those reports relating to recipients of assistance under the provisions of this Act as required by G. S. 15-155.1 and shall assist the solicitor in making any investigation relative thereto both actively and by furnishing to him all information available to it or any local board relative to such assistance."

Sec. 4. No such solicitor, assistant solicitor, or any attorney at law especially appointed to assist said solicitor, or any agent or employee of such solicitor's office shall disclose any information, record, report, case history or any memorandum or document or any information contained therein, which may relate to or be connected with the mother or father of any illegitimate child, or any illegitimate child, unless in the opinion of such solicitor it is necessary or is required in the prosecution and performance of such solicitor's duties as set forth in the provisions of this Article.

Sec. 4½. In the event that the Secretary of Health, Education, and Welfare notifies the State Board of Public Welfare that further payments of Federal funds to the State of North Carolina for aid to dependent children, or for any other public assistance program, will not be made because any procedure provided by this Act is prohibited by the Social Security Act, as amended, or by other applicable Federal statutes, or by proper and authorized regulations having the force and effect of law, then and in that event no person or agency shall take any further action pursuant to such procedure.

Sec. 5. The provisions of this Act shall not apply to the Counties of Gaston and Mecklenburg.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 689 CHAPTER 1211

AN ACT TO AMEND G. S. 105-228.5 RELATING TO TAXES UPON INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-228.5 is hereby amended by inserting a new paragraph therein at a point immediately preceding the fifth paragraph from the end of said G. S. 105-228.5, said new paragraph to read as follows:

"The amounts collected on contracts of insurance applicable to fire and lightning coverage, (marine and automobile policies not being included), a tax at the rate of one per cent (1%). This tax shall be in addition to all other taxes imposed by G. S. 105-228.5; provided, that this tax shall not be levied on contracts of insurance written on property in unprotected areas."

Sec. 2. All laws and clauses of laws in conflict are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 690 CHAPTER 1212

AN ACT CREATING A FIREMEN'S PENSION FUND.

The General Assembly of North Carolina do enact:

Section 1. Chapter 118 of Volume 3B of the General Statutes is hereby amended by adding thereto a new Article which shall be designated as Article 3, and said Article shall read as follows:

"ARTICLE 3.

NORTH CAROLINA FIREMEN'S PENSION FUND

Sec. 118-18. For the purpose of furthering the general welfare and police powers and obligations of the State with respect to the protection of all its citizens from the consequences of loss or damage by fire, as heretofore recognized in part by the enactment of G. S. 160-117 et seq, of increasing the protection of life and all property against loss or damage by fire, of improving fire-fighting techniques, of increasing the potential of fire departments, organizations and groups, of fostering increased and more widely spread training of personnel of said departments, organizations and groups, and of providing incentive and inducement for the participation in fire prevention and fighting activities and for the establishment of new, improved or extended fire departments, organizations and groups to the end that ultimately all areas of the State and all its citizens will receive the benefit of fire protection and a resulting reduction of loss or damage to life and property by fire hazard, there is hereby created in this State a fund to be known and designated the 'North Carolina Firemen's Pension Fund' and it shall be administered as set forth in this Article. Said North Carolina Firemen's Pension Fund is established to provide pension allowances and other benefits for eligible firemen in the State who elect to become members as hereinafter provided. The board of trustees hereby created shall have authority to administer said fund and shall make necessary rules and regulations to carry out the provisions of this Act.

Sec. 118-19. There is hereby created a board to be known as the 'Board of Trustees of the North Carolina Firemen's Pension Fund'. Said board shall consist of five members, namely:

(1) The State Insurance Commissioner, who shall act as chairman.

(2) The State Auditor.

(3) Three members to be appointed by the Governor, one a paid fireman, one a volunteer fireman and one representing the public at large, for terms of four (4) years each. Board members shall serve without pay, except that all members shall be reimbursed for all necessary expenses that they may incur through service on the board of trustees.

Sec. 118-20. There is hereby created an office to be known as Secretary of the North Carolina Firemen's Pension Fund. He shall be named by the board and shall serve at its pleasure. The board shall fix his salary, provided it shall not exceed eight thousand dollars ($8,000.00) annually. The secretary shall be bonded in such amount as may be determined by the board, and he shall promptly transmit to the State Treasurer all moneys collected by him, which said moneys shall be deposited by the State Treasurer in said fund.

Sec. 118-21. The board of trustees shall have the power and duty to request appropriations out of the general fund for administrative expenses and to provide for the financing of this pension fund, to employ necessary clerical assistance, to determine all applications for pensions, to provide for the payment of pensions hereunder, to make all necessary rules and regulations not inconsistent with law for the government of said fund, to prescribe rules and regulations of eligibility of persons to receive hereunder, to expend funds in accordance with the provisions of this Act, and generally to exercise all other powers necessary for the administration of the fund created by this Act.

Sec. 118-22. The State Treasurer shall be the custodian of the North Carolina Firemen's Pension Fund. The appropriations made by the legislature out of the general fund to provide money for administrative expenses shall be handled in the same manner as any other general fund appropriation. One-fourth of the appropriation made out of the general fund to provide for the financing of the pension fund shall be transferred quarterly to a special fund to be known as the North Carolina Firemen's Pension Fund. There shall be set up in the State Treasurer's office a special fund to be known as the North Carolina Firemen's Pension Fund, and all contributions made by the members of this pension fund shall be deposited in said special fund. All expenditures for refunds, investments or benefits shall be in the same manner as expenditures of other special funds. The State Treasurer shall have authority to invest all moneys in said fund not immediately needed for refunds or benefits, in the same manner as provided for investment of the Sinking Fund. The interest on such investments shall be credited to this special fund. That in no event shall the appropriation made by the General Assembly in future years exceed the amount of revenue collected from the one per cent (1%) tax on fire and lightning insurance premiums in the preceding bienniums.

Sec. 118-23. 'Eligible firemen' shall mean all firemen of the State of North Carolina or any political subdivision thereof, including those performing such governmental function in the protection of life and property through fire fighting within a county or city governmental unit and so certified to the Commissioner of Insurance by the governing body thereof, and who belong to a bona fide fire department which, as determined by the commissioner, is classified as not less than class '9' or class 'A' and 'AA' departments in accordance with rating methods, schedules, classifications, underwriting rules, bylaws or regulation effective or applied with respect to the establishment of rates or premiums used or charged pursuant to G. S. 58-131.1 or by such other reasonable methods as the commissioner

may determine, and which operates fire apparatus and equipment of the value of five thousand dollars ($5,000.00) or more, and said fire department holds drills and meetings not less than four hours monthly and said firemen attend at least thirty-six hours of all drills and meetings in each calendar year. As applied to volunteer firemen, 'eligible firemen' shall mean those persons meeting the foregoing qualifications and who in the aggregate number are further determined by their departments as not exceeding twenty-five (25) volunteer firemen plus one (1) additional volunteer fireman per one hundred (100) population in the area served by their said respective departments. Each department shall annually determine and report the names of those volunteers meeting the foregoing eligibility qualifications to its respective board of county commissioners, which upon determination of the validity and accuracy of the same shall promptly certify said list to the board of trustees.

Sec. 118-24. Those firemen who are now eligible may make application through the board of trustees hereinbefore created for membership in said fund within 24 months from the effective date of this Act. All persons who subsequently become firemen may make application for membership in such fund within 12 months from the date of becoming eligible firemen. Each eligible fireman becoming a member of the fund shall pay the secretary of the board of trustees the sum of five dollars ($5.00) per month; provided, all eligible firemen electing to become members and serving as such on the effective date of this Act shall pay the sum of five dollars ($5.00) per month from said effective date; and further provided, firemen not now eligible but becoming so within five years of the effective date of this Act shall be permitted to become members and receive service time credits upon condition that they pay into said fund the sum of five dollars ($5.00) per month from the effective date of this Act. The said monthly payments shall be credited to the separate account of the member paying same and shall be kept by the custodian in such manner as to be available for payment to said member on account of his withdrawal from membership or to be used with respect to pension payments upon his said retirement.

Sec. 118-25. Any member who has served 30 years as a fireman in the State of North Carolina, who has been an 'eligible fireman' for two years immediately preceding his application for the payment of a pension hereunder, and who is otherwise eligible as provided in Section 118-23 hereof, and who has attained the age of 55 years shall be entitled to be paid from the fund herein created a monthly pension. Said monthly pension shall be in the amount of fifty dollars ($50.00) per month or less as below set forth, provided that those members retiring after the age of 55 and before attaining the age of 60 may elect to receive the reduced amount to account for longer expectancy, said amount of monthly pension available at various retirement ages to be as follows:

Retirement Age	Amount	Retirement Age	Amount
55	$36.00	58	$44.00
56	38.00	59	47.00
57	41.00	60 and above	50.00

Members shall pay five dollars ($5.00) per month as required by Section 118-24 until retirement from active service or until they shall have made said monthly payments for a period of 30 years, whichever first occurs; provided, any member retiring after 30 years of service, but before reaching the age of 55 years, shall continue to pay the monthly payments required by Section 118-24 in order to continue his membership in the fund until he shall reach the age of 55 or until he shall have paid said monthly payments into the fund for 30 years, whichever is the earlier. Upon reaching retirement age and being otherwise eligible he shall receive a pension as set out above. Notwithstanding the above provisions, no person shall receive a pension hereunder prior to January 1, 1960, but those persons eligible and retiring prior to said date who have paid into said fund five dollars ($5.00) per month with respect to a period of not less than 12 months or sixty dollars ($60.00), whichever occurs first, shall be entitled to a pension in the amount of fifty dollars ($50.00) per month or such reduced amount as set out above commencing January 1, 1960. No person shall be entitled to a pension hereunder until his official duties as a fireman shall have been terminated and he shall have retired as such according to standards or rules fixed by the board of trustees.

Sec. 118-26. The board of trustees shall direct payment in lump sums from the fund in the following cases:

(1) To any fireman, upon the attaining of the age of 60 years, who, for any reason, is not qualified to receive the monthly retirement pension and who was enrolled as a member of the fund, an amount equal to the amount paid into the fund by him; provided, this provision shall not be construed to preclude any active fireman from completing the requisite number of years of active service after attaining the age of 60 years as may be necessary to entitle him to the pension as herein provided.

(2) If any fireman dies before attaining the age at which a pension is payable to him under the provisions of this Act, there shall be paid to his widow, or if there be no widow, to his child or children, or, if there be no widow or children, then to his heirs at law as may be determined by the board of trustees or to his estate, if it is administered and there are no heirs, an amount equal to the amount paid in into the fund by said fireman.

(3) If any fireman dies after beginning to receive the pension herein provided for, and before receiving an amount equal to the amount paid into the fund by him, there shall be paid to his widow, or if there be no widow, then to his child or children, or if there be no widow or children, then to his heirs at law as may be determined by the board of trustees, or to his estate, if it is administered and there are no heirs, an amount equal to the difference between the amount paid into the fund by the said fireman and the amount received by him as a pensioner.

(4) Any member withdrawing from the fund shall, upon proper application, be paid all moneys such individual contributed to the fund, provided, if all or any part of the moneys contributed to the fund with respect to such member shall have been paid by any person, firm or corporation other than the member and notification of such action shall have been made to the

board of trustees at the time of said contribution and each of them, then, upon proper application, by such other person, firm or corporation, said moneys contributed to the fund shall be paid to such other person, firm or corporation originally contributing the same, upon the withdrawal of said member.

Sec. 118-27. If, for any reason, the fund hereby created and made available for any purpose covered by this Act shall be insufficient to pay in full any pension benefits, or other charges thereupon then all benefits or payments shall be proratably reduced for such time and in such amount as such deficiency exists; provided, no claim shall accrue with respect to any amount by which pension or benefit payments shall have been so reduced.

Sec. 118-28. The pensions provided herein shall be subject to future legislative change or revision, and no member of the fund, or any person, shall be deemed to have acquired any vested right to any pension or other payment herein provided.

Sec. 118-29. The board of trustees shall fix and determine by appropriate rules and regulations the number of years credit for service of firemen. Firemen who are now serving as such shall furnish the board with information upon applying for membership as to previous service.

Sec. 118-30. A fireman's length of service shall not be affected by the fact that he may have served in more than one fire department as defined in Section 118-23, and upon transfer from one department to another, notice of such fact shall be given to the board.

Sec. 118-31. Any member who becomes six months delinquent in making monthly payments as required by Section 118-23 of this Act by the tenth of the month with respect to which said payment shall be due shall be removed from membership in the fund and shall lose one year of service credit and all rights hereunder with respect thereto for each six months' period that he remains so delinquent.

Sec. 118-32. The pensions herein provided shall not be subject to attachment, garnishments or judgments against the firemen entitled to same, nor shall any rights in said fund or pensions or benefits therefrom be assignable."

Sec. 2. It is the purpose and intent of this Act that the State's contribution to the pension fund created hereby be derived solely from the proceeds of a one per cent (1%) tax imposed by the 1959 General Assembly upon amounts collected on contracts of insurance applicable to fire and lightning. In the event that such tax should not be imposed or that no appropriation be made for said fund, or in the event that such tax should be declared unconstitutional or invalid, then the fund herein established shall be dissolved.

Sec. 3. If any Section or provisions of this Act be declared unconstitutional or invalid by the courts, the same shall not affect the validity of the Act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Sec. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 5. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 804 CHAPTER 1213

AN ACT TO AMEND G. S. 153-9 SO AS TO AUTHORIZE THE COUNTY COMMISSIONERS IN SEVERAL NAMED COUNTIES TO ASSIST FINANCIALLY THE SOIL CONSERVATION SERVICES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9 is amended by adding a new paragraph immediately following subsection 35 thereof, to be designated as subsection 35½ and to read as follows:

"To Promote Farm Soil Conservation Work. To cooperate with the State and national soil conservation services, agencies or districts to promote soil conservation work, and to appropriate from non-tax revenues such sums as they may deem advisable for this purpose."

Sec. 2. This Act shall apply only to the following Counties: Alamance, Alexander, Anson, Ashe, Beaufort, Bladen, Brunswick, Burke, Cabarrus, Camden, Caswell, Chatham, Chowan, Clay, Cleveland, Columbus, Craven, Cumberland, Dare, Davidson, Duplin, Edgecombe, Franklin, Gaston, Gates, Greene, Halifax, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Johnston, Jones, Lee, Lenoir, Macon, Mitchell, Madison, Nash, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond, Rowan, Sampson, Stanly, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Wayne, and Yadkin.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 821 CHAPTER 1214

AN ACT TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF A POULTRY DIAGNOSTIC LABORATORY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the Department of Agriculture the sum of twenty-two thousand five hundred dollars ($22,500.00) for the first year of the biennium 1959-1961 and the sum of fourteen thousand five hundred dollars ($14,500.00) for the second year of the biennium 1959-1961 to be used for the establishment, maintenance and operation of a poultry diagnostic laboratory in Moore County.

The land and building to be used in the operation of the laboratory shall be provided by Moore County or by any of the political subdivisions of said county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 866 CHAPTER 1215

AN ACT RELATING TO REGULATION OF POSSESSION AND SALE OF BARBITURATE DRUGS.

The General Assembly of North Carolina do enact:

Section 1. Article 5A of Chapter 90 of the General Statutes, 1958 Replacement Volume 2C, is rewritten to read as follows:

"Article 5A

"Barbiturate and Stimulant Drugs

"§90-113.1. Definitions. As used in this Article:

"(1) The term 'Barbiturate drug' means:

a. Barbituric acid, the salts and derivatives of barbituric acid, or compounds, preparations or mixtures thereof; and

b. Drugs, compounds, preparations or mixtures which have a hypnotic or somnifacient effect on the body of a human or animal, to be found by the State Board of Pharmacy and duly promulgated by rule or regulation; except that the term 'barbiturate drug' shall not include any drug the manufacture or delivery of which is regulated by the narcotic drug laws of this State: Provided, however, that the term 'barbiturate drug' shall not include compounds, mixtures, or preparations containing barbituric acid, salts or derivatives of barbituric acid, when such compounds, mixtures, or preparation contain a sufficient quantity of another drug or drugs, in addition to such acid, salts or derivatives, to cause the resultant product to produce an action other than its hypnotic or somnifacient action.

"(2) The term 'stimulant drug' means any drug consisting of amphetamine, desoxyephedrine (methamphetamine), mephentermine, pipradol, phenmetrazine, methylphenidate, or any salt, mixture or optical isomer of any of them, which drug, salt, mixture or optical isomer has a stimulating effect on the central nervous system, but shall not include preparations containing any of the aforementioned drugs, salts, mixtures or optical isomers thereof which is compounded, mixed or prepared with another drug so as to cause the resultant product to produce an action other than that of predominantly stimulating the central nervous system.

"(3) The term 'delivery' means sale, dispensing, giving away, or supplying in any other manner.

"(4) The term 'patient' means, as the case may be:

a. The individual for whom a barbiturate or stimulant drug is prescribed or to whom a barbiturate or stimulant drug is administered; or

b. The owner or the agent of the owner of the animal for which a barbiturate or stimulant drug is prescribed or to which a barbiturate or

stimulant drug is administered, provided that the prescribing or administering referred to in subdivision a. and b. hereof is in good faith and in the course of professional practice only.

"(5) The term 'person' includes individual, corporation, partnership and association.

"(6) The term 'practitioner' means a person licensed in this State to prescribe and administer barbiturate or stimulant drugs, as herein defined, in the course of his professional practice; professional practice of a practitioner means treatment of patients under a bona fide practitioner-patient relationship.

"(7) The term 'pharmacist' means a person duly registered with the State Board of Pharmacy pursuant to Chapter 90, Article 4 of the General Statutes of North Carolina.

"(8) The term 'prescription' means a written order issued by a practitioner in good faith in the course of his professional practice to a pharmacist for a barbiturate or stimulant drug for a particular patient, which specifies the date of its issue, the name and address of such practitioner, the name and address of the patient or if such barbiturate or stimulant drug is prescribed for an animal, the species of such animal, the barbiturate or stimulant drug and quantity of the barbiturate or stimulant drug prescribed, the directions for use of such barbiturate or stimulant drug, and the signature of such practitioner, or an oral order therefor made by such practitioner and promptly reduced to writing, and filed, by the pharmacist. The written statement of the oral order shall be signed by the pharmacist and shall include the name of the issuing practitioner and all information required in a written order.

"(9) The term 'manufacturer' means a person who manufactures barbiturate or stimulant drugs, and includes persons who prepare such barbiturate or stimulant drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process, but does not include pharmacists so preparing such barbiturate or stimulant drugs solely for dispensing on prescriptions received or to be received by them.

"(10) The term 'wholesaler' means a person engaged in the business of distributing barbiturate or stimulant drugs to persons included in any of the classes named in subdivision a. to e. inclusive of G. S. 90-113.3 (a) (3).

"(11) The term 'warehouseman' means a person who, in the usual course of business, stores barbiturate or stimulant drugs for others lawfully entitled to possess them and who has no control over the disposition of such barbiturate or stimulant drugs except for the purpose of such storage.

"§90-113.2. Prohibited Acts. It shall be unlawful:

"(1) To deliver any barbiturate or stimulant drugs unless:

a. Such barbiturate or stimulant drug is delivered by a pharmacist in good faith upon prescription and there is affixed to the immediate container in which such barbiturate or stimulant drug is delivered a label bearing

1. The name and address of the establishment from which such barbiturate or stimulant drug was delivered;

2. The date on which the prescription for such barbiturate or stimulant drug was filled;

3. The number of such prescription as filed in the prescription files of the pharmacist who filled such prescription;

4. The name of the practitioner who prescribed such barbiturate or stimulant drug;

5. The name of the patient, and if such barbiturate or stimulant drug was prescribed for an animal, a statement showing the species of the animal; and

6. The direction for use of the barbiturate or stimulant drug and cautionary statements, if any, as contained in the prescription; and

b. In the event that such delivery is pursuant to oral order, such prescription shall be promptly reduced to writing and filed by the pharmacist; or

c. Such barbiturate or stimulant drug is delivered by a practitioner in good faith in the course of his professional practice only and upon a prescription written by such practitioner and there is affixed to the immediate container in which such barbiturate or stimulant drug is delivered a label bearing the same information required in subdivision (1) a. above for pharmacists. Provided, however, that the practitioner may keep a record of the barbiturate or stimulant drugs dispensed or administered by him in lieu of writing a prescription for same. Such record shall show:

1. The kind and amount of barbiturate or stimulant drug administered or dispensed;

2. The date such barbiturate or stimulant drug was administered or dispensed; and

3. The name and address of the person to whom such barbiturate or stimulant drug was administered or dispensed. Provided, however, that the foregoing requirement for the writing of a prescription or the keeping of a record shall not apply to barbiturate or stimulant drugs delivered by such a practitioner in a quantity necessary for the immediate needs of his patient.

"(2) To refill any prescription for a barbiturate or stimulant drug unless such refilling is specifically authorized by the practitioner.

"(3) For any person to possess a barbiturate or stimulant drug unless such person obtained such barbiturate or stimulant drug in good faith on the prescription of a practitioner in accordance with subdivision (1) a. or in accordance with subdivision (1) c. of this Section or in good faith from a person licensed by the laws of any other state or the District of Columbia to prescribe or dispense barbiturate or stimulant drugs.

"(4) For any person to obtain or attempt to obtain a barbiturate or stimulant drug by fraud, deceit, misrepresentation or subterfuge, or by the forgery or alteration of a prescription, or by the use of a false name or the giving of a false address.

"§90-113.3. Exemptions. (a) The provisions of subdivisions (1) and (3) of §90-113.2 shall not be applicable:

"(1) To the delivery of barbiturate or stimulant drugs for medical or scientific purposes only to persons included in any of the classes named in

subdivision (3) below, or to the agents or employees of such persons, for use in the usual course of their business or practice or in the performance of their official duties, as the case may be; or

"(2) To the possession of barbiturate or stimulant drugs by such persons named in subdivision (3) below or their agents or employees for such use.

"(3) The classes of persons to whom the above-mentioned delivery or possession provisions shall not apply are:

a. Pharmacists;

b. Practitioners;

c. Persons who procure barbiturate or stimulant drugs:

1. For disposition by or under the supervision of pharmacists or practitioners employed by them, or

2. For the purpose of lawful research, teaching or testing and not for resale;

d. Hospitals and other institutions which procure barbiturate or stimulant drugs for lawful administration by or under the supervision of practitioners;

e. Manufacturers and wholesalers; and

f. Carriers and warehousemen.

"(b) Nothing contained in §90-113.2 shall make it unlawful for a public officer, agent or employee, or person aiding such public officer in performing his official duties to possess, obtain, or attempt to obtain a barbiturate or stimulant drug for the purpose of enforcing the provisions of any law of this State or of the United States relating to the regulation of the handling, sale or distribution of barbiturate or stimulant drugs.

"§90-113.4. Complaints, etc., Need Not Negative Exceptions, Excuses or Exemptions; Burden of Proof. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this Article, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this Article, and the burden of proof of any such exception, excuse, proviso, or exemption shall be upon the defendant.

"§90-113.5. Retention of Invoices by Persons within Exemptions. Persons, other than carriers, to whom the exemptions to this Article are applicable shall retain all invoices relating to barbiturate or stimulant drugs manufactured, purchased, sold or handled for not less than two calendar years after the date of the transaction shown by such invoice.

"§90-113.6. Enforcement of Article; Cooperation with Federal Authorities; Investigations. It is hereby made the duty of the State Board of Pharmacy, its officers, agents, inspectors and representatives, and of all peace officers, within the State, including the State Bureau of Investigation, and of all State's attorneys, to enforce all provisions of this Article, except those specifically delegated, and to co-operate with all agencies charged with the enforcement of the laws of the United States, of this State and of all other states, relating to barbiturate or stimulant drugs. The State Bureau of Investigation is hereby authorized to make initial investigations

of all violations of this Article, and is given original but not exclusive jurisdiction in respect thereto with all other law enforcement officers of the State.

"§90-113.7. Penalties. Any person violating any provisions of this Article or any person who conspires, aids, abets, or procures others to violate any provision of this Article shall for the first offense be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for not more than two years, or both, in the discretion of the court. For a second violation of this Article, or in case of a first conviction of a violation of this Article by a defendant who shall previously have been convicted of a violation of any law of the United States, or of this or any other state, territory or district, relating to the possession, delivery or use of the drugs defined in this Article which violation would have been punishable under this Article if the offending act had been committed in this State, the defendant shall be guilty of a felony and fined or imprisoned, or both, in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after October 1, 1959.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 970 CHAPTER 1216

AN ACT TO AMEND G. S. 136-20 RELATING TO THE ELIMINATION OR SAFEGUARDING OF GRADE CROSSINGS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 136-20 is hereby amended by striking out the last sentence and substituting in lieu thereof the following:

"And said order shall specify that the cost of construction of such underpass or overpass or the installation of such safety device shall be allocated between the railroad company and the Commission in the same ratio as the net benefits received by such railroad company from the project bear to the net benefits accruing to the public using the highway, and in no case shall the net benefit to any railroad company or companies be deemed to be more than ten per cent (10%) of the total benefits resulting from the project. The Highway Commission shall be responsible for determining the proportion of the benefits derived by the railroad company from the project, and shall fix standards for the determining of said benefits which shall be consistent with the standards adopted for similar purposes by the United States Bureau of Public Roads under the Federal-Aid-Highway Act of 1944."

Sec. 2. Subsection (c) of G. S. 136-20 is hereby amended by striking out the second and third sentences and substituting in lieu thereof the following:

"The work may be done and material furnished either by the railroad company or the Commission, as may be agreed upon, and the cost thereof shall be allocated and borne as set out in subsection (b) hereof."

Sec. 3. Subsection (d) of G. S. 136-20 is hereby amended by striking out the third from the last sentence of said subsection and substituting in lieu thereof the following:

"If said railroad company shall construct such underpass or overpass or shall install such safety devices in accordance with the order of the Commission, the proportionate share of the cost thereof as set out in subsection (b) hereof shall upon the completion of said work be paid to the railroad company by the Commission."

Sec. 4. Subsection (g) of G. S. 136-20 is hereby amended by striking out the fifth sentence of said subsection and substituting in lieu thereof the following:

"In the event the decision on appeal should be that the construction or installation was necessary but the cost or apportionment thereof unreasonable, then the railroad company shall bear its proportion as provided in this Section of such cost as may be determined on appeal to have been reasonable to meet the necessity of the case."

Sec. 5. G. S. 136-20 is hereby further amended by adding a new subsection thereof to be known as subsection (h) and to read as follows:

"(h) The Highway Commission shall pay the cost of maintenance of all overpasses and the railroad company shall pay the cost of maintenance of all underpasses constructed in accordance with this Section. The cost of maintenance of safety devices at all intersections of any railroad company and any street or road forming a link in or a part of the State Highway System which have been constructed prior to July 1, 1959 or which shall be constructed thereafter shall be borne fifty per cent (50%) by the railroad company and fifty per cent (50%) by the Highway Commission. The maintenance of said overpasses and underpasses shall be performed by the railroad company or the Highway Commission as may be agreed upon and reimbursement for the cost thereof, in accordance with this Section, shall be made annually. The maintenance of such safety devices shall be performed by the railroad company and reimbursement for the cost thereof, in accordance with this Section, shall be made annually by the Highway Commission."

Sec. 6. All laws in conflict herewith are hereby repealed.

Sec. 7. This Act shall be in force from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1076 CHAPTER 1217

AN ACT TO AMEND G. S. 65-14 RELATING TO CHURCH CEMETERIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 65-14 is hereby amended by striking out the period at the end of the Section, inserting a colon in lieu thereof, and adding the following words:

"Provided that in Burke County the publication of notice of such intended removal of graves by such church authorities in a newspaper published in the county in which the graves are located and in a daily State paper for four (4) weeks shall be deemed due notice to all relatives of deceased in cases where no dead body has been interred upon said real estate for a period of forty (40) years."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1207 **CHAPTER 1218**

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A LAW LIBRARY FOR THE MUNICIPAL COURT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of the Municipal Court of the City of High Point, and the President of the Bar Association of High Point, and their successors in office, be, and they are hereby, constituted the custodians of all books, supplies, equipment and furniture of the law library which shall be kept and maintained for the Municipal Court of the City of High Point and the use of the officials of High Point and all courts held therein.

Sec. 2. All books, equipment, supplies and furniture of said library shall be the property of the City of High Point and the said city is authorized and empowered to hold said property and to add thereto from time to time by gift, donation, purchase or otherwise, such books, records, equipment and furniture as may be deemed reasonably necessary and proper for the use of said officials and courts.

Sec. 3. The Clerk of the Municipal Court of the City of High Point shall be, and he is hereby, directed to act as librarian of said library, without compensation. It shall be the duty of said librarian to keep said library room open during such hours as may be fixed by the custodians hereinbefore provided for, and shall obey all rules and regulations which may be prescribed for the government and management of the said library.

Sec. 4. In order to provide a fund for the extension, maintenance and support of the said library, the sum of fifty cents (50¢) shall be taxed as cost and collected by the Clerk of the Municipal Court of the City of High Point in each and every civil and criminal case tried and disposed of in said court after the effective date of this Act, and said funds shall be deposited by the Clerk of the Municipal Court of the City of High Point in a bank designated for that purpose, and shall be used solely for the purpose of the extension, maintenance and operation of said library.

Sec. 5. From the funds so collected from time to time, as provided in Section 4 of this Act, it shall be the duty of the Clerk of the Municipal Court of the City of High Point to purchase and pay for such volumes and

sets of books as shall be recommended and agreed upon from time to time by the judge of the municipal court, the President of the High Point Bar Association, and a committee to be appointed every third year by the High Point City Council. All checks on said account shall be drawn and signed by the Clerk of the Municipal Court of the City of High Point, and it shall be the duty of the said clerk to keep a correct account of all receipts and disbursements in connection with said library fund.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1249 CHAPTER 1219

AN ACT TO AMEND CHAPTER 93 OF THE PRIVATE LAWS OF 1907 RELATING TO THE ELECTION OF TRUSTEES OF THE GLEN ALPINE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 93 of the Private Laws of 1907, as amended, is hereby amended by adding a new Section to be designated as Section 3½ to read as follows:

"Sec. 3½. In said election the polling places shall be the polling places of the general, county, State and national elections in (a) Silvercreek No. 1 for the eligible voters thereof, (b) Silvercreek No. 2 for the eligible voters of Silvercreek precincts 2 and 3, (c) Linville No. 1 for the eligible voters of Linville precincts 1 and 2, (d) Morganton No. 10 for the eligible voters thereof. A registrar and two judges shall be appointed and qualified to hold the election in each polling place, provided the two judges shall be of different political parties. The registration books shall be kept open at the polling places between the hours of 9:00 o'clock A. M. and 5:00 o'clock P. M. on the 3rd, 2nd and 1st Saturdays before election and on all other days between said 3rd and 1st Saturdays at the home of the registrar for registration of qualified voters. Challenge day shall be the 1st Saturday before said election. Upon request, any resident of said school district shall be entitled to inspect the registration books and make a copy thereof."

Sec. 2. Section 4 of Chapter 93 of the Private Laws of 1907 as amended, is hereby rewritten to read as follows:

"Sec. 4. The Tax Collector of Burke County shall collect the taxes levied for school purposes in said district and pay over the same to the treasurer of the board of trustees."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1302 CHAPTER 1220

AN ACT PERMITTING SCOTLAND COUNTY TO AUTHORIZE BONDS FOR SCHOOL PURPOSES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF NINE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS NOTWITHSTANDING THE LIMITATION OF DEBT FOR SUCH PURPOSES IN THE COUNTY FINANCE ACT.

The General Assembly of North Carolina do enact:

Section 1. That, pursuant to the provisions of The County Finance Act (Article 9 of Chapter 153 of the General Statutes of North Carolina) the Board of Commissioners for the County of Scotland, North Carolina, is hereby authorized and empowered to pass a bond order or bond orders authorizing the issuance of bonds of said county for school purposes as provided in clause (a) of Section 153-77 of said General Statutes in the maximum aggregate principal amount of nine hundred seventy-five thousand dollars ($975,000) notwithstanding any limitation contained in Section 153-87 of said General Statutes.

Sec. 2. That the powers granted by this Act are in addition to and not in substitution for any other powers heretofore or hereafter granted to said county.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1307 CHAPTER 1221

AN ACT RELATING TO THE POWERS, DUTIES, SELECTION AND TERM OF OFFICE OF THE AUDITOR FOR WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to the duties and responsibilities imposed by local Wake County acts, all of the powers, duties and responsibilities imposed upon county accountants by the provisions of the "County Fiscal Control Act", being Article 10 of Chapter 153 of the General Statutes of North Carolina, are hereby imposed and conferred upon the Auditor of Wake County.

Sec. 2. From and after the third day of April, 1961, the Auditor for Wake County shall be selected in the manner provided for the selection of county accountants under and according to the provisions of the "County Fiscal Control Act", being Article 10 of Chapter 153 of the General Statutes of North Carolina, it being the intent and purpose of this Act that the Auditor for Wake County be selected in conformity with the general laws of the State governing the office of county accountant.

Sec. 3. This Act shall apply only to Wake County.

Sec. 4. All laws and clauses of laws applying to Wake County in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1310 CHAPTER 1222

AN ACT TO AMEND G. S. 90-71 RELATING TO THE SALE OF CERTAIN DRUGS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 90-71, as the same appears in Replacement Volume 2C of the General Statutes, is hereby amended by striking out the word "Avery" immediately following the word "of" and immediately preceding the comma before the word "Bertie" in line eight of the second paragraph of said Section.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1314 CHAPTER 1223

AN ACT TO AMEND HOUSE BILL NO. 841, RATIFIED THE 9TH DAY OF JUNE, 1959, RELATING TO THE NUMBER OF COUNTY COMMISSIONERS OF WAKE COUNTY AND TO THEIR ELECTION AND TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of House Bill No. 841, ratified June 9, 1959, relating to the number of County Commissioners of Wake County, their election and terms of office, is hereby amended by striking out the word "five" in line three and substituting in lieu thereof the word "seven".

Sec. 2. Section 2 of House Bill No. 841, ratified the 9th day of June, 1959, is hereby amended by:

(1) Striking out the word "five" in line one and substituting in lieu thereof the word "seven";

(2) Inserting following the word "townships" in line two thereof the words "and precincts";

(3) Rewriting subsection (e) to read as follows:

"(e) District number five shall be composed of Precincts Nos. 1, 2, 3, 6, 7, 8, 23 and 29 of Raleigh Township."

(4) Adding thereto two new subsections to read as follows:

"(f) District number six shall be composed of Precincts Nos. 4, 5, 9, 10, 11, 12, 13, 14, 15 and 16 of Raleigh Township.

"(g) District number seven shall be composed of Precincts Nos. 17, 18, 19, 20, 21, 22, 24, 25, 26, 27 and 28 of Raleigh Township."

Sec. 3. Section 3 of House Bill No. 841, ratified June 9, 1959, is hereby amended by striking out the words "Districts number four and five." in lines three and four and substituting in lieu thereof the words "District number four and one County Commissioner from Districts numbers five, six and seven."

Sec. 4. Section 6 of House Bill No. 841, ratified June 9, 1959, is hereby rewritten to read as follows:

"Sec. 6. Upon approval of this Act by voters of Wake County at the primary and general elections to be held in Wake County in 1962, there shall be nominated and elected from districts numbers six and seven two additional County Commissioners. At the general election in 1962, the candidate from district number six shall be elected and shall serve for a term of four years and the candidate from district number seven shall be elected and shall serve for a term of two years. Thereafter, as their terms of office expire, candidates for said offices and also for district five shall be elected for terms of four years each and shall serve until their successors are elected and qualified."

Sec. 5. There is hereby ordered a special election to be held in Raleigh Township on the same day as the election provided for in Section 7 of H. B. No. 841. The Wake County Board of Elections shall prepare and distribute ballots on which shall be printed the words and figures "FOR the division of Raleigh Township into three (3) districts for the purpose of nominating and electing County Commissioners" and "AGAINST dividing Raleigh Township into three (3) districts for the purpose of nominating and electing County Commissioners", with voting squares to the left of the words "FOR" and "AGAINST".

If at said special election a majority of the voters in Raleigh Township voting in said election shall cast their ballots "FOR the division of Raleigh Township into three (3) districts for the purpose of nominating and electing County Commissioners" the provisions of this Act shall forthwith become effective. If at said special election a majority of the voters of Raleigh Township voting in said election shall cast their ballots "AGAINST the division of Raleigh Township into three (3) districts for the purpose of nominating and electing County Commissioners" the provisions of this Act shall be ineffective and all of Raleigh Township shall remain one district for the purpose of nominating and electing County Commissioners.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1324 **CHAPTER 1224**

AN ACT APPOINTING MEMBERS OF THE HYDE COUNTY BOARD OF EDUCATION, FIXING THEIR TERMS OF OFFICE AND PROVIDING FOR THE NOMINATION AND APPOINTMENT OF THEIR SUCCESSORS.

The General Assembly of North Carolina do enact:

Section 1. That the Hyde County Board of Education shall consist of seven (7) members, to be nominated and appointed for terms of two years each. That W. T. Howard, George E. Bush, Crawford L. Cahoon, Gratz Spencer, W. I. Cochran, Earl Topping and Walter Lee Gibbs be and they are hereby appointed the members of said Board of Education for the term ending on the first Monday in April, 1961, and until their successors shall be duly appointed and qualified.

Sec. 2. That Chapter 1075, Session Laws of 1957, be and the same is hereby repealed in its entirety. Nominations for membership on said County Board of Education shall be made biennially in the party primaries, and members of said Board of Education shall be appointed in conformity with the provisions of G. S. 115-19.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1326 **CHAPTER 1225**

AN ACT TO AMEND CHAPTER 22 OF THE PRIVATE LAWS OF 1935 SO AS TO INCREASE THE MEMBERSHIP OF THE LEXINGTON UTILITIES COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 22 of the Private Laws of 1935 relating to the membership of the Utilities Commission of the City of Lexington is hereby rewritten to read as follows:

"Section 1. A commission of the City of Lexington to be known as the Lexington Utilities Commission is hereby created. The commission shall be composed of five members, appointed at large by the Lexington City Council for terms of three years each.

"The membership of the five-member utilities commission established by this Section shall be initially constituted as follows: Mr. Earl Riddle shall serve until the first meeting of the City Council of Lexington in June, 1960; Mr. E. Ray Coltrane shall serve until the first meeting of the City Council of Lexington in June, 1961; Mr. Haywood W. Hinkle shall serve until the first meeting of the City Council of Lexington in June, 1962; one additional member, to be appointed by the city council, shall serve until the first meeting of the city council in June, 1961; and one

additional member, to be appointed by the city council, shall serve until the first meeting of the city council in June, 1962.

"As the term of each of the above enumerated members of the commission shall expire, their successors shall be appointed at large for terms of three years each by the city council at the first regular meeting of the council in June of each year; except that the city council shall fill vacancies on the commission occurring otherwise than by expiration of a term, by appointment for the unexpired term. Appointments to fill vacancies on the commission, occurring by reason of expiration of a term or otherwise, shall be upon a two-thirds vote of the membership of the city council."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1327 CHAPTER 1226

AN ACT TO PROVIDE FOR THE RESIGNATION OF CERTAIN GUARDIANS AND TRUSTEES FOR MINORS, AND TO PROVIDE FOR THE ADMINISTRATION BY THE CLERK OF SUPERIOR COURT OF ROWAN COUNTY OF AN ESTATE FOR A MINOR WHEN SUCH PERSON DOES NOT OWN ANY PROPERTY OTHER THAN CASH AND MONEY DUE AND THE AMOUNT OF CASH BELONGING TO AND MONEY DUE HIM DOES NOT EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS.

The General Assembly of North Carolina do enact:

Section 1. A. The Clerk of Superior Court of Rowan County in lieu of appointing a guardian, trustee, or other fiduciary to administer an estate for a minor may receive and administer funds for such minor when all the property of said minor or ward consists of cash and money due and the total amount due and belonging to such minor does not exceed two thousand five hundred dollars ($2,500.00).

B. The word "fiduciary", as used in this Act, shall refer to any person or corporation acting for and in behalf of any person hereinafter named.

Sec. 2. A. The Clerk before accepting money belonging to a minor to be administered under the provisions of this Act shall make an investigation to determine whether the estate is one that may be administered by him. If, after making such investigation, the clerk is of the opinion that the estate is one he may administer he shall, in the manner he deems expedient and efficient, notify the fiduciary, person, firm or corporation owing to and holding money for said minor that they may pay same to him to be administered as herein provided, and the clerk's official receipt therefor shall be a complete release, discharge, and acquittance for the amount of money so paid by such fiduciary, person, firm or corporation.

B. When payment is made to the clerk either as a credit or in full settlement of a judgment in favor of a minor and the net amount due such person upon the settlement of the judgment does not exceed two thousand five hundred dollars ($2,500.00), and the minor does not have a guardian or trustee and if the father, mother, or person in loco parentis to said person does not qualify or does not procure someone to qualify as guardian or trustee to administer the estate for such person within ninety days from the date of the settlement or payment of a credit on a judgment, the clerk must transfer said fund to a ledger account in his office for administration as herein provided.

C. That for the purpose of administering estates in accordance with the provisions of this Act, the distinction between real and personal property is hereby abolished and all funds administered by the clerk shall be administered as personal property regardless of the source from which the funds were derived.

D. The clerk shall set up a proper ledger account for each minor, in which account he shall enter the date of each receipt, from whom received, the amount of same, the date of each disbursement, to whom paid and the amount.

Sec. 3. A. If the clerk has in hand or hereafter receives money for a minor, and he should ascertain that said person has a fiduciary administering his estate under appointment by the Clerk of the Superior Court of another county in North Carolina, the Clerk of Rowan County must pay the amount in his hands to said fiduciary, and must notify the clerk who made such appointment of the amount so paid; and the endorsement by the payee of the check issued by the clerk shall be a complete release, discharge, and acquittance for the amount so paid, and the clerk disbursing the fund shall be relieved of all liability for the disposition of same.

B. If the clerk should ascertain that said person has a fiduciary administering his estate under appointment by a proper court in a foreign jurisdiction, he may pay over the funds in his hands to such fiduciary upon the bringing of the proper proceeding as outlined in Section 48 and 49, Chapter 33, General Statutes of North Carolina, and any amendments thereto.

Sec. 4. A. The disbursements made by the clerk shall be for the purpose of covering costs of support, maintenance and education of a minor, and the fact that disbursements are made shall be a prima facie evidence of the necessity therefor, and that same are made in his sound discretion; that when the clerk disburses funds of a minor, the endorsement of the check by the payee shall be a complete release, discharge, and acquittance for the clerk making said disbursement, and said clerk shall not be required to see to the proper application of funds so disbursed, and the clerk shall not require any accounting of any person, firm or corporation to whom he disburses funds for a minor.

B. The clerk shall not disburse funds of a minor in payment of debts contracted by a minor prior to the vesting of title in him of this fund.

C. The clerk may make disbursements as herein provided upon a proper affidavit of the person, firm or corporation making claim for same, and any person or agent, officer or employee of a firm or corporation obtaining money from the clerk through false and fraudulent representations shall be guilty of a felony and liable to an indictment as provided by law and upon conviction may be punished as provided by the General Statutes for obtaining money under false pretense.

D. That regardless of the solvency of any person liable for the support of a minor for whom the clerk administers a fund, the said clerk may disburse the money held or received as hereinafter provided.

E. That for good cause shown, the clerk in his discretion may allow payments for the support, maintenance, and education of a minor in such amounts as he deems proper and for the best interest of said minor.

Sec. 5. When the clerk has in hand a sum of money for a minor, and such sum does not exceed one hundred dollars ($100.00), if the clerk does not have any information as to the whereabouts of said minor and no claim is filed by the minor for the funds held by the clerk within five years after the minor becomes twenty-one years of age, the clerk may escheat said sum to the University of North Carolina as provided in the General Statutes.

Sec. 6. A. The Clerk shall not be required to invest funds of a minor when the amount to be invested is less than one hundred dollars ($100.00), and if the clerk has an investment from which withdrawals are made until the balance is reduced to less than one hundred dollars ($100.00), he shall close out such investment by liquidating same. The provisions of this Section shall not be construed as placing the clerk under the duty of investing any funds received pursuant to this Act, but he shall only be required to make investments as otherwise required by law.

B. If the clerk invests funds of a minor or ward and the fund by reason of earnings on same increases to an amount in excess of two thousand five hundred dollars ($2,500.00), said clerk shall continue to administer such fund and need not appoint a guardian or trustee.

C. The clerk must not make a combined investment for several persons, but he must make a separate investment for each person.

D. The clerk need not carry a separate checking account for each person for whom he holds money, but may deposit all funds in one general checking account in his name as Clerk of Superior Court.

Sec. 7. The fees, if any, to be charged by the clerk for the administration of a fund for a minor or ward shall be as fixed by law for the Clerk of the Superior Court of Rowan County.

Sec. 8. The clerk shall not be liable to any one for any loss whatsoever sustained by reason of the administration of any estate for a minor, if said clerk has exercised reasonable care and good faith in complying with the provisions of this Act.

Sec. 9. If any clause, sentence, paragraph, subsection, Section, or any part of this Act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation

to the clause, sentence, paragraph, subsection, Section or part thereof directly involved in such judgment.

Sec. 10. The provisions of this Act shall be additional provisions to General Statutes 2-53 as amended.

Sec. 11. That this Act shall apply only to Rowan County.

Sec. 12. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1328 CHAPTER 1227

AN ACT REPEALING CHAPTER 355, PUBLIC-LOCAL LAWS OF 1925.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 355, Public-Local Laws of 1925, be and the same is hereby repealed in its entirety.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1330 CHAPTER 1228

AN ACT TO AMEND CHAPTER 235 OF THE SESSION LAWS OF 1949 RELATING TO THE SALARIES OF THE SHERIFF AND REGISTER OF DEEDS OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 235 of the Session Laws of 1949 is hereby amended by striking out the words and figures "ten thousand dollars ($10,000.00)", in line 4, and substituting in lieu thereof the words and figures "eleven thousand dollars ($11,000.00)".

Sec. 2. Section 3 of Chapter 235 of the Session Laws of 1949 is hereby amended by striking out the words and figures "at not less than seven thousand dollars ($7,000.00) nor more than ten thousand dollars ($10,000.00) per annum to", in lines 4 and 5, and substituting in lieu thereof the words ", which salary shall".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1333

CHAPTER 1229

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF GREENE COUNTY TO ESTABLISH A LAW LIBRARY IN GREENE COUNTY.

WHEREAS, an adequate Law Library is necessary and desirable for the effective operation of the courts and for the use of court officials in Greene County; and

WHEREAS, the establishment of a Law Library in said county will promote the best interest of the litigants, courts, court officials and citizens of said county; and

WHEREAS, it is desirable to provide for the proper equipment, books and periodicals, and for the proper support and maintenance of said library: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Greene County is hereby authorized in its discretion, to establish a Law Library in the courthouse in Snow Hill to be known as the Greene County Law Library, which shall be kept and maintained as provided by this Act for the County of Greene and the use of the officials of said county, the officers of the courts held therein and the general public, and the said commissioners are further authorized to provide suitable housing space for said Law Library, together with funds to purchase books, furnishings, supplies, equipment, furniture and records, and the said Law Library and its equipment shall remain the property of Greene County.

Sec. 2. The Board of County Commissioners of Greene County is authorized and empowered in its discretion to appropriate out of the funds of said county not derived from ad valorem taxes a sum not to exceed one thousand dollars ($1,000.00), to be used to establish said Law Library, and is authorized to take title to the property purchased for such purpose and to add thereto from time to time, by gift, donation, purchase or otherwise, such additional books and equipment as may be deemed reasonably necessary and proper for the maintenance of said library and for the purpose of such maintenance of said Law Library from and after its initial establishment by the said board of county commissioners.

Sec. 3. The Board of County Commissioners of Greene County is hereby further authorized to make such initial purchases in its discretion for the establishment of said Law Library upon the down payment of such sum as said commissioners in their discretion shall determine and to execute contracts for the deferred payments therefor over a period of time not to exceed four years.

Sec. 4. That the Clerk of Superior Court of Greene County, together with the members of the bar of said county shall be custodians of said library and the equipment therefor.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1337 CHAPTER 1230

AN ACT AUTHORIZING THE CITY OF HICKORY TO RECEIVE AND HOLD FOR THE OWNERS THEREOF CERTAIN UNCLAIMED BOND PAYMENTS.

The General Assembly of North Carolina do enact:

Section 1. The City of Hickory is hereby authorized and empowered to receive from the Chase Manhattan Bank any and all funds heretofore deposited in said bank for the purpose of paying the bonded indebtedness of the City of Hickory, where said funds have been unclaimed and unpaid for ten years or more after such funds became due and payable.

Sec. 2. Upon the payment of such unclaimed funds to the City of Hickory, the Chase Manhattan Bank shall be relieved of and held harmless by the City of Hickory from any and all liability for any claim or claims which exist or thereafter may be made as to such funds.

Sec. 3. The City of Hickory may commingle such unclaimed funds with its general fund, and shall be liable only for payment to the bondholder upon proper presentation of claim.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1342 CHAPTER 1231

AN ACT AMENDING G. S. 7-43.2 SO AS TO ALLOW THE BOARD OF COMMISSIONERS OF ALAMANCE COUNTY TO DESIGNATE THE PROSECUTING ATTORNEY OF AN INFERIOR COURT NOT HAVING JURISDICTION OVER THE ENTIRE COUNTY TO ASSIST THE SOLICTOR OF THE SOLICITORIAL DISTRICT IN THE PROSECUTION OF THE CRIMINAL DOCKET OF THE SUPERIOR COURT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 7-43.2, as the same appears in Volume 1B of the General Statutes, be and the same is hereby amended by striking from lines 3, 4 and 5 of said Section the following language:

"and such inferior court has, or shall have, criminal jurisdiction over the entire county in which said court is established, or may be established,".

Sec. 2. This Act shall apply to Alamance County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. B. 1343 **CHAPTER 1232**

AN ACT AUTHORIZING THE CHATHAM COUNTY BOARD OF EDUCATION TO CONVEY TO THE TOWN OF PITTSBORO, AT PRIVATE SALE, A CERTAIN LOT OF LAND TO BE USED FOR THE LOCATION OF A WATER TANK.

The General Assembly of North Carolina do enact:

Section 1. That notwithstanding the provisions of G. S. 115-126, the Chatham County Board of Education be and it is hereby authorized and empowered, in its discretion, to sell at private sale for an adequate consideration and to convey by good and sufficient deed to the Town of Pittsboro, a certain lot of land approximately seventy-five (75) feet square, and being a part of the present Town of Pittsboro school property, to be used by said town as the location for a water tank in connection with the maintenance of the water system of said town.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

S. B. 10 **CHAPTER 1233**

AN ACT TO AMEND CHAPTER 126 OF THE GENERAL STATUTES, ENTITLED "MERIT SYSTEM COUNCIL", TO EXTEND ITS APPLICATION TO THE STATE CIVIL DEFENSE AGENCY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 126-1, as the same appears in Replacement Volume 3B of the General Statutes, is hereby amended by inserting following the word "Welfare," and preceding the word "and" in line 7 thereof the words "State Civil Defense Agency".

Sec. 2. G. S. 126-14, as the same appears in Replacement Volume 3B of the General Statutes, is hereby amended by inserting following the word "Health" and preceding the word "and" in line 4 thereof the words ", the State Civil Defense Agency"; and by inserting following the word "departments" and preceding the word "and" in line 7 thereof the words ", all county, city or other local civil defense offices".

Sec. 2½. In no event shall this Act apply to State or local civil defense directors; members of State and local boards or commissions; members of advisory councils or committees, or similar boards paid only for attendance at meetings; State and local officials serving ex officio and performing incidental administrative duties; janitors; professional personnel who are paid for any form of medical or other professional services, and who are not engaged in the performance of administrative duties; and attorneys serving as legal counsel; nor to those county, city or other local

civil defense agencies and offices who do not desire to receive Federal matching funds for personnel and administrative costs.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall not become effective unless and until The Congress of the United States shall implement Public Law 85-606, 85th Congress by appropriating Federal funds with which to match State and local funds for the cost of personnel and administration for State and local civil defense organizations.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 33 **CHAPTER 1234**

AN ACT AUTHORIZING THE GOVERNOR AND COUNCIL OF STATE TO FURNISH REPLACEMENT VOLUMES 2C AND 3B OF THE GENERAL STATUTES OF NORTH CAROLINA TO THE JUSTICES OF THE SUPREME COURT, THE JUDGES AND SOLICITORS OF THE SUPERIOR COURTS, THE SUPREME COURT LIBRARY AND OTHER STATE OFFICIALS AND AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. The Governor and Council of State are hereby authorized to purchase copies of Replacement Volume 2C and Replacement Volume 3B of the General Statutes of North Carolina, prepared and published by the Michie Company under the supervision of the Department of Justice of the State of North Carolina, such purchases to be at the State Contract price, and in such number as the Governor and Council of State may deem necessary. The Governor and Council of State shall distribute the volumes so purchased, in such number and in such manner as to them may seem desirable or needful, to the Justices of the Supreme Court, the Supreme Court Library, and to various other State officials, departments or agencies for any proper State use.

Sec. 2. The Governor and Council of State are hereby authorized to expend out of the Contingency and Emergency Fund whatever sum may be necessary to purchase these volumes as provided in this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 61

CHAPTER 1235

AN ACT TO AMEND CHAPTER 47 OF THE GENERAL STATUTES RELATING TO PLATS AND SUBDIVISIONS AND LAND SURVEYS AND RECORDING OF SAME.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-30 as amended, as indicated by G. S. 47-30, 1957 Cumulative Supplement to the General Statutes, is rewritten to read as follows:

"G. S. 47-30. Plats and Subdivisions: Mapping Requirements.

"a. Size Requirements: All land maps presented to the register of deeds for recording in the registry of a county in North Carolina after January 1, 1960, shall have an outside marginal size of not more than 21 inches by 30 inches nor less than eight and one-half inches by eleven inches, including one and one-half inches for binding on the left margin and one-half inch border on each of the other sides. Where size of land areas, or suitable scale to assure legibility require, maps may be placed on two or more sheets with appropriate match lines. All counties currently operating under statutes or other laws setting forth regulatory size will be allowed to continue to use such sizes as are currently in use until June 30, 1963, on or before which time they shall modify their size to conform to those shown above.

"b. All maps presented for recording shall be a reproducible map in cloth, linen, film, or other permanent material and submitted in this form. Such recorded map shall be maintained in map files and a direct or photographic copy shall be placed in the map book maintained for that purpose and properly indexed for use.

"c. The title of each map shall contain the following information: Property designation, name of owner, location to include township, county and state, the date or dates the survey was made; scale in feet per inch in words or figures and bar graph; name, address, registration number and seal of engineer or surveyor.

"d. Certificate: There shall appear on each map a certificate by the person making the survey, or the map where no survey was made, stating the origin of the information shown on the map, including deeds and any recorded data shown thereon. If a complete survey was made, the error of closure as calculated by latitudes and departures must be shown. Any lines on the map that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the person preparing the map. All maps to be recorded shall be probated as required by law for the registration of deeds.

"(1) The certificate required above shall be in substantially the following form:

"I, ... certify that this map was drawn from (an actual survey made by me) (deed description recorded in Book

....., Page ....., Book....., Page ....., etc.) (other); that the error of closure as calculated by latitudes and departures is 1: .....; that the boundaries not surveyed are shown as broken lines plotted from information found in Book ....., Page .....; that this map was prepared in accordance with G. S. 47-30 as amended. Witness my hand and Seal this..... day of ....., A. D., 19.....

.....

Surveyor or Engineer

"e. If area of land parcels is shown, the method of computation used by the surveyor must be shown. Area "by estimation" is not acceptable, nor is the area copied from another source.

"f. Every map shall contain the following specific information:

"(1) An accurately positioned North arrow co-ordinated with any bearings shown on the map. Indication shall be made as to whether the North index is true, magnetic or grid.

"(2) The azimuth or courses and distances as surveyed of every line shall be shown including offset lines where actually used in the field. Distances shall be in feet and decimals thereof; other units of measure may be placed in parentheses if desired.

"(3) All map lines shall be by horizontal (level) measurements. All information shown on the map shall be correctly plotted to the scale shown. Enlargement of portions of a map are acceptable in the interest of clarity, where shown as inserts on the same sheet.

"(4) Where a boundary is formed by a curved line, the following data must be given: actual survey data from the point of curvature of the curve to the point of tangent shall be shown as standard curve data, or as a traverse of chords around the curve.

"(5) Where a subdivision of land is set out on the map, all streets and lots shall be carefully plotted with dimension lines indicating widths and all other pertinent information necessary to re-establish in the field.

"(6) Where control corners have been established in compliance with G. S. 39-32.1, 2, 3, and 4, as amended, the location and pertinent information as required in the reference statute shall be plotted on the map. All other corners which are marked by monument or natural object shall be so identified on all maps, and all corners of adjacent owners in the boundary lines of the subject tract which are marked by monument or natural object must be shown with a distance from one or more of the subject tract's corners.

"(7) The names of adjacent land owners and lot block and subdivision designations shall be shown where they have been determined and verified by the surveyor.

"(8) All visible and apparent rights of way, water courses, utilities, roadways, and other such improvements shall be accurately located where crossing or forming any boundary line of the property shown, and locating, offset or traverse lines shall be plotted in broken lines with azimuths or courses and distances shown on the map.

"(9) Where the map is the result of a survey, one or more corners shall, by a system of azimuths or courses and distances, be accurately tied to a monument of some U. S. or State Agency Survey System, such as the U. S. Coast and Geodetic Survey Systems, where such monument is within 2,000 feet of said corner. Where the N. C. Grid System co-ordinates of said monument have been published by the North Carolina Department of Conservation and Development, the co-ordinates of the referenced corner shall be computed and shown in X and Y ordinates on the map. Where such a monument is not available, the tie shall be made to some pertinent and permanent recognizable landmark or identifiable point.

"g. Such map, when prepared, proven and probated as provided herein as deeds and other conveyances, when presented for recording, shall be recorded in the Map Book and when so recorded shall be duly indexed. Reference in any instrument hereafter executed to the record of any map herein authorized shall have the same effect as if the description of the lands as indicated on the record of the map were set out in the instrument.

"h. Nothing in this Act shall be deemed to prevent the recording of any map made prior to January 1, 1960.

"i. Nothing in this Act shall be deemed to invalidate any instrument or the title thereby conveyed making reference to any recorded map."

Sec. 2. G. S. 47-32 is amended to read as follows:

"After January 1, 1960, in all special proceedings in which a map shall be filed as a part of the papers, such map shall meet the specifications required for recording of maps in the office of the register of deeds, and the Clerk of Superior Court shall certify a copy thereof to the register of deeds of the county in which said lands lie for recording in the Map Book provided for that purpose; and the Clerk of Superior Court shall have a photographic copy of said map made on a sheet of the same size as the leaves in the book in which the special proceeding is recorded, and when made, shall place said photographic copy in said book at the end of the report of the commissioner or other document referring to said map. The Clerk of Superior Court shall be allowed a fee to be fixed by the county commissioners, to be taxed in the bill of costs, which fee shall cover the cost of making said photographic copy and all services of the Clerk in connection therewith."

Sec. 3. Any person, firm or corporation wilfully violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00).

Sec. 3A. This Act shall not apply to Washington and Tyrrell Counties.

Sec. 3.1. The provisions of this Act shall not apply to the following Counties: Beaufort, Hyde, Jones, Pamlico, Pitt, Robeson, Watauga, Northampton, Martin, Scotland, Pender, Surry, Alleghany, Harnett, Swain, Madison, Person, Cherokee, Lenoir, Bladen, Franklin, Caswell, Greene, Hoke, Pasquotank, Ashe, Alexander, Lee and Jackson.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after January 1, 1960.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 64 CHAPTER 1236

AN ACT TO AMEND CHAPTER 89 OF THE GENERAL STATUTES RELATING TO THE RIGISTRATION AND PRACTICE OF LAND SURVEYORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 89-14 is amended to read as follows:

"G. S. 89-14. Land Surveyors. At any time prior to July 1, 1960, upon new application therefor and the payment of a registration fee of ten dollars ($10.00), the Board shall issue a certificate of registration without oral or written examination, when such applicant shall submit evidence under oath, satisfactory to the Board, that he is of good moral character, and has practiced land surveying in North Carolina for at least one year. Any applicant hereunder may request and be given an oral or written examination."

Sec. 2. G. S. 89-15 is amended by striking out in line 4 the word and figures "April 14, 1951" and inserting in lieu thereof the word and figures "July 1, 1959."

Said Section is further amended by striking the second paragraph therefrom.

Sec. 3. G. S. 89-16 is amended by inserting at the beginning of the first sentence the words "Prior to July 1, 1960".

Said Section is further amended by striking out the period following the word "Carolina" in line 5, inserting a comma in lieu thereof, and adding the following: "and shall review said manual annually, and shall revise same if revisions are deemed advisable or necessary by the Board."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 65 CHAPTER 1237

AN ACT TO AMEND CHAPTER 154 OF THE GENERAL STATUTES, RELATING TO COUNTY SURVEYORS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 154 of the General Statutes is rewritten to read as follows:

"G. S. 154-1. County Commissioners May Appoint. A county surveyor may be appointed in each county by the county commissioners. The county surveyor shall serve at the pleasure of the county commissioners and his duties shall be as directed by the county commissioners not inconsistent with provisions of the General Statutes of North Carolina.

"G. S. 154-2. Qualifications. The county surveyor shall have qualifications for his employment consistent with appropriate provisions of Chapter 89, General Statutes of North Carolina, as amended."

Sec. 1A. This Act shall not apply to Washington, Tyrrell, Jackson, Swain, Johnston, Davie, Burke, Watauga, Greene, Macon, Mitchell, Clay, Ashe, Avery, Wilkes, Sampson, Hyde, Stanly, Person, Cherokee, Pender, Northampton, Lee, Harnett, Madison, Polk, Cumberland, Lincoln and Alexander Counties.

Sec. 1.1. This Act shall not apply to Stanly and Carteret Counties.

In Stanly and Carteret Counties there shall be elected in each of said counties, by the qualified voters thereof, as provided for the election of members of the General Assembly, a county surveyor, who shall hold office for the term of two years.

In each of said counties the surveyor may appoint deputies, who shall, previous to entering on the duties of their office, be qualified in a similar manner with the surveyor; and the surveyor making such appointment shall be liable for the conduct of such deputies, as for his own conduct in office.

The county surveyors of each of said counties are empowered to administer oaths to all such persons as are required by law to be sworn in making partition of real estate, in laying off widow's dower, in establishing boundaries and in surveying vacant lands under warrant.

Sec. 2. All laws and clauses of laws in conflict with provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 201 CHAPTER 1238

AN ACT TO CREATE THE CAROLINA CHARTER TERCENTENARY COMMISSION.

WHEREAS, the year 1963 will mark the three hundreth anniversary of the granting by King Charles II of England of the Charter of Carolina to the eight Lords Proprietors; and

WHEREAS, it is fitting and proper that the State of North Carolina and its people conduct a great celebration of this anniversary, in cooperation with our sister State of South Carolina, together with the fourteen other States of the Union and the Republic of Mexico that were included in whole or in part in the boundaries of the Charter of 1663 (as such boundaries were expanded by the new Charter of 1665); and

WHEREAS, it has been proved in other States of the Union that such celebrations are very much worthwhile, not only in teaching our people the significance of our history, but also as a great tourist attraction, often paying off in a big way in dollars and cents; and

WHEREAS, the experience of the State of Virginia in conducting in 1957 the three hundred fiftieth anniversary celebration of the founding of Jamestown, and the experience of other states in similar celebrations, indicates that several years of advance planning and effort are required in order to make such a celebration fully successful: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby established the Carolina Charter Tercentenary Commission, to consist ex officio of the Superintendent of Public Instruction, the Director of the Department of Conservation and Development, and the Director of the Department of Archives and History, and in addition, twenty-two members to be appointed by the Governor for terms of two years each. The Director of the Department of Archives and History, or a member of the staff of that Department to be designated by the Director, shall serve as Secretary of the Commission.

Sec. 2. The Commission shall make plans and develop a program for the celebration of the tercentenary of the granting of the Carolina Charter of 1663, and at the appropriate time or times shall conduct such celebration or series of celebrations.

Sec. 3. The members of the Commission shall serve without pay, but they shall be allowed, in attending to their official duties, the travel and subsistence allowances provided by law for State boards and commissions generally.

Sec. 4. In order to meet the expenses of the aforesaid Commission in attending to their official duties, in employing necessary personnel, and in meeting other necessary expenses, allotments may be made from the Contingency and Emergency Fund at such times and in such amounts as may be approved by the Governor and Council of State.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 219 **CHAPTER 1239**

AN ACT TO PROVIDE FOR APPOINTMENT OF PERSONAL REPRESENTATIVES FOR RECIPIENTS OF OLD AGE ASSISTANCE, AID TO DEPENDENT CHILDREN, OR AID TO THE PERMANENTLY AND TOTALLY DISABLED.

The General Assembly of North Carolina do enact:

Section 1. If any otherwise qualified applicant for or recipient of old age assistance, aid to the permanently and totally disabled, or general

assistance, or payee in the case of aid to dependent children, is or shall become unable to manage the assistance payments, or otherwise fails so to manage, to the extent that deprivation or hazard to himself or others results, or, in the case of aid to dependent children, the payment is not being used for the children, a petition may be filed by the superintendent of public welfare before the appropriate court under Section 2 of this Act, in the form of a verified written application for the appointment of a personal representative for the purpose of receiving and managing public assistance payments for any such recipient or payee, which application shall allege one or more of the above grounds for the legal appointment of such personal representative.

The court shall summarily order a hearing on the petition and shall cause the applicant or recipient to be notified at least five days in advance of the time and place for the hearing. Findings of fact shall be made by the court without a jury, and if the court shall find that the applicant for or recipient of old age or general assistance or aid to the permanently and totally disabled or the payee, in the case of aid to dependent children, is unable to manage the assistance payments, or otherwise fails so to manage, to the extent that deprivation or hazard to himself or others results, or, in the case of aid to dependent children, the payment is not being used for the children, the court may thereupon enter an order embracing said findings and appointing some responsible person as personal representative of the applicant or recipient, or of the payee in the case of aid to dependent children, for the purposes set forth herein. The personal representative so appointed shall serve with or without bond, in the discretion of the court, and without compensation. He will be responsible for receiving the monthly assistance payment and using the proceeds of such payment for the benefit of the recipient of old age or general assistance or aid to the permanently and totally disabled, or in the case of aid to dependent children, for the application of the payment to the best interest of the children. Such personal representative shall be responsible to the court for the faithful discharge of the duties of his trust. The court may consider the recommendation of the superintendent of public welfare in the selection of a suitable person for appointment as personal representative for the limited purposes of this Act. The personal representative so appointed may be removed by the court, and the proceeding dismissed, or another suitable personal representative appointed. All costs of court with respect to any such proceedings shall be waived.

From the order of the court appointing or removing such personal representative, an appeal may be had to the Judge of Superior Court who shall hear the matter de novo without a jury.

Sec. 2. For the purposes of this Act the court may be either a Domestic Relations Court established pursuant to Article 13, Chapter 7, General Statutes, or the Clerk of the Superior Court in the county having responsibility for the administration of the particular public assistance payments. The court may, for the purposes of this Act, direct the superintendent of public welfare to maintain records pertaining to all aspects of any personal representative proceeding, which the court may adopt as

the court's record and in lieu of the maintenance of separate records by the court.

Sec. 3. The findings of fact under the provisions of Section 1 herein shall not be competent as evidence in any case or proceeding dealing with any subject matter other than provided in this Act.

Sec. 4. All laws and clauses of laws in conflict with the provisions of the above Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 225 CHAPTER 1240

AN ACT TO AMEND G. S. 7-51 SO AS TO MAKE CONSISTENT THE RETIREMENT PROVISIONS WITH RESPECT TO JUSTICES OF THE SUPREME COURT, SUPERIOR COURT JUDGES AND THE ATTORNEY GENERAL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-51, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting the following words immediately following the word "combined", and immediately preceding the word "or" in line eight thereof; "or on the Supreme Court and as Attorney General combined, or on the Superior Court and as Attorney General combined, or on the Supreme Court and on the Superior Court and as Attorney General combined",.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 318 CHAPTER 1241

AN ACT TO AUTHORIZE THE EXPENDITURE OF NOT TO EXCEED $150,000 OUT OF THE CONTINGENCY AND EMERGENCY FUND FOR THE CONSTRUCTION OF SHORE PROTECTIVE WORKS.

The General Assembly of North Carolina do enact:

Section 1. The Governor of the State of North Carolina by and with the approval of the Council of State, is hereby authorized to allocate and expend out of the Contingency and Emergency Fund a sum of money not to exceed one hundred fifty thousand dollars ($150,000.00) during the biennium commencing July 1, 1959, and ending June 30, 1961, for the purpose of supplementing those funds provided by the Federal Government under the provisions of Public Law 520, 71st Congress, Second Session, as amended, Public Law 71, 84th Congress, and Public Law 826,

84th Congress, Second Session, and by local political subdivisions of this State for the construction of shore protective works within this State. Such expenditure shall not be allocated or made until it is found that the local political subdivisions interested therein shall have provided two-thirds of the non-Federal share of the cost of any given project, and shall not in any case exceed one-third of the non-Federal share of the cost of such projects.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 340 CHAPTER 1242

AN ACT TO AMEND G. S. 20-16 TO CREATE A POINT SYSTEM FOR SUSPENSION OF OPERATORS' AND CHAUFFEURS' LICENSES TO PROMOTE PUBLIC SAFETY ON THE HIGHWAYS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-16 (a), as the same now appears in the 1957 Cumulative Supplement to Volume 1C of the General Statutes, is hereby amended by striking out subdivision 5 of said subsection and by inserting in the place thereof a new subdivision 5 to read as follows:

"5. Has, under the provisions of subsection (c) of this Section, within a two-year period, accumulated twelve (12) or more points, or eight (8) or more points in the two-year period immediately following the reinstatement of a license which has been suspended or revoked because of a conviction for one or more traffic offenses."

Sec. 1½. That G. S. 20-16 subsection (c) be renumbered as subsection (d).

Sec. 2. G. S. 20-16 is hereby amended by adding a new subsection thereto to be denominated subsection (c) and to read as follows:

"(c) The Department shall maintain a record of convictions of every person licensed or required to be licensed under the provisions of this Article as an operator or chauffeur and shall enter therein records of all convictions of such persons for any violation of the motor vehicle laws of this State and shall assign to the record of such person, as of the date of commission for the offense, a number of points for every such conviction in accordance with the following schedule of convictions and points, except that points shall not be assessed for convictions resulting in suspensions or revocations under other provisions of laws:

Passing stopped school bus	5
Reckless driving	4
Hit and run, property damage only	4
Speeding in excess of 55 miles per hour	3
Illegal passing	3
Failing to yield right of way	3

Running through red light 3
No operators license or license expired more than one year 3
Failure to stop for red light or siren 3
Driving through safety zone 3
Driving on wrong side of road 3
All other moving violations 2
No liability insurance 3
Failure to report accident where such report is required 3

"No points shall be assessed for conviction of the following offenses:
Over loads
Over length
Over width
Over height
Illegal parking
Carrying concealed weapon
Improper plates
Improper registration
Improper muffler
Public drunk within a vehicle
Possession of liquor
Improper display of license plates or dealers tags
Unlawful display of emblems and ensignia

"In case of the conviction of a licensee of two or more traffic offenses committed on a single occasion, such licensee shall be assessed points for one offense only and if the offenses involved have a different point value, such licensee shall be assessed for the offense having the greater point value.

"Upon the restoration of the license or driving privilege of such person whose license or driving privilege has been suspended or revoked because of conviction for a traffic offense, any points that might previously have been accumulated in the driver's record shall be cancelled.

"Whenever a licensee accumulates as many as four points hereunder, the Department shall mail a letter of warning to the licensee at his last known address, but failure to receive such warning letter shall not prevent a suspension under this Act. Whenever a licensee accumulates as many as seven points, the Department may request the licensee to attend a conference regarding such licensee's driving record. The Department may also afford the licensee who has accumulated as many as seven points an opportunity to attend a Driver Improvement Clinic operated by the Department and, upon the successful completion of the course taught at the clinic, three points shall be deducted from the licensee's conviction record; provided, that only one such deduction of points shall be made on behalf of any licensee.

"When a license is suspended under the point system provided for herein, the first such suspension shall be for not more than sixty (60) days; the second such suspension shall not exceed six (6) months, and any subsequent suspension shall not exceed one year.

"Whenever the operator's or chauffeur's license of any person is subject to suspension under this Act and at the same time also subject to suspension or revocation under other provisions of laws, such suspensions or revocations shall run concurrently.

"In the discretion of the Department, a period of probation may be substituted for suspension or for any unexpired period of suspension under G. S. 20-16 (a) 5 and this subsection. Such period of probation shall not exceed one year, and any violation of probation during the probation period shall result in a suspension for the period originally provided for under this Act or for the remainder of any unexpired suspension period. Any accumulation of three or more points under this subsection during a period of probation shall constitute a violation of the condition of probation."

Sec. 3. This Act is in addition to all other laws relating to the suspension or revocation of operators' and chauffeurs' licenses.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 376 CHAPTER 1243

AN ACT TO APPROPRIATE THE SUM OF TWENTY THOUSAND DOLLARS ($20,000.00) TO NORTH CAROLINA STATE COLLEGE TO ESTABLISH THE POSITION OF AN EXTENSION WILDLIFE SPECIALIST.

The General Assembly of North Carolina do enact:

Section 1. There is hereby established in the Agricultural Extension Service of North Carolina State College the position of an Extension Wildlife Specialist.

Sec. 2. From the total appropriations made by the 1959 Session of the General Assembly to Cooperative Agricultural Extension Service, Code 28061, out of the General Fund of the State, there shall be expended the sum of ten thousand dollars ($10,000.00) for the fiscal year 1959-60 and the sum of ten thousand dollars ($10,000.00) for the fiscal year 1960-61 by State College to pay the salary of said Extension Wildlife Specialist and to defray the cost of secretarial service and other expenses attendant upon his duties, as agreed between the Budget Bureau and the Administration of the Consolidated University.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 394 **CHAPTER 1244**

AN ACT TO REQUIRE THE STATE HIGHWAY COMMISSION TO PLACE ON RECORD DEEDS OF EASEMENTS GRANTING RIGHTS OF WAY AND EASEMENTS OF ANY CHARACTER TO SAID COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 47-27 of the General Statutes, as said Section appears in Volume 2A (Recompiled 1950) of the General Statutes by adding a new paragraph to said Section to read as follows:

"From and after July 1, 1959 the provisions of this Section shall apply to require the State Highway Commission to record as herein provided any deeds of easement, or any other agreements granting or conveying an interest in land which are executed on or after July 1, 1959, in the same manner and to the same extent that individuals, firms or corporations are required to record such easements."

Sec. 1A. This Act shall not apply to pending litigation and shall not divest any rights heretofore vested.

Sec. 2. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 437 **CHAPTER 1245**

AN ACT APPROPRIATING FUNDS TO THE STATE DEPARTMENT OF AGRICULTURE FOR THE ESTABLISHMENT AND OPERATION OF A POULTRY AND CATTLE DIAGNOSTIC LABORATORY TO BE LOCATED WITHIN THE THIRTY-THIRD SENATORIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That there is hereby appropriated to the North Carolina Department of Agriculture, for the establishment and operation of a poultry and cattle diagnostic laboratory to be located within the Thirty-Third Senatorial District to serve the Counties of Cherokee, Clay, Graham, Macon and Swain:

First year of the 1959-61 biennium $22,826.00
Second year of the biennium 14,876.00

The land and building to be used in the operation of the laboratory shall be provided by one or more of the Counties of Cherokee, Clay, Graham, Macon and Swain or by any of the political subdivisions of said counties.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 448

CHAPTER 1246

AN ACT TO ADOPT THE UNIFORM ACT FOR SIMPLIFICATION OF FIDUCIARY SECURITY TRANSFERS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Definitions. In this Act, unless the context otherwise requires:

(1) "Assignment" includes any written stock power, bond power, bill of sale, deed, declaration of trust or other instrument of transfer.

(2) "Claim of beneficial interest" includes a claim of any interest by a decedent's legatee, distributee, heir or creditor, a beneficiary under a trust, a ward, a beneficial owner of a security registered in the name of a nominee, or a minor owner of a security registered in the name of a custodian, or a claim of any similar interest, whether the claim is asserted by the claimant or by a fiduciary or by any other authorized person on his behalf, and includes a claim that the transfer would be in breach of fiduciary duties.

(3) "Corporation" means a private or public corporation, association or trust issuing a security.

(4) "Fiduciary" means an executor, administrator, trustee, guardian, committee, conservator, curator, tutor, custodian or nominee.

(5) "Person" includes an individual, a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(6) "Security" includes any share of stock, bond, debenture, note or other security issued by a corporation which is registered as to ownership on the books of the corporation.

(7) "Transfer" means a change on the books of a corporation in the registered ownership of a security.

(8) "Transfer agent" means a person employed or authorized by a corporation to transfer securities issued by the corporation.

Sec. 2. Registration in the Name of a Fiduciary. A corporation or transfer agent registering a security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence, extent, or correct description of the fiduciary relationship, and thereafter the corporation and its transfer agent may assume without inquiry that the newly registered owner continues to be the fiduciary until the corporation or transfer agent receives written notice that the fiduciary is no longer acting as such with respect to the particular security.

Sec. 3. Assignment by a Fiduciary. Except as otherwise provided in this Act, a corporation or transfer agent making a transfer of a security pursuant to an assignment by a fiduciary:

(1) May assume without inquiry that the assignment, even though to the fiduciary himself or to his nominee, is within his authority and capacity and is not in breach of his fiduciary duties;

(2) May assume without inquiry that the fiduciary has complied with any controlling instrument and with the law of the jurisdiction governing the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer; and

(3) Is not charged with notice of and is not bound to obtain or examine any court record or any recorded or unrecorded document relating to the fiduciary relationship or the assignment, even though the record or document is in its possession.

Sec. 4. Evidence of Appointment or Incumbency. A corporation or transfer agent making a transfer pursuant to an assignment by a fiduciary who is not the registered owner shall obtain the following evidence of appointment or incumbency:

(1) In the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer thereof and dated within sixty days before the transfer; or

(2) In any other case, a copy of a document showing the appointment or certificate issued by or on behalf of a person reasonably believed by the corporation or transfer agent to be responsible or, in the absence of such a document or certificate, other evidence reasonably deemed by the corporation or transfer agent to be appropriate. Corporations and transfer agents may adopt standards with respect to evidence of appointment or incumbency under this subdivision (2) provided such standards are not manifestly unreasonable. Neither the corporation nor transfer agent is charged with notice of the contents of any document obtained pursuant to this subdivision (2) except to the extent that the contents relate directly to the appointment or incumbency.

Sec. 5. Adverse Claims. (a) A person asserting a claim of beneficial interest adverse to the transfer of a security pursuant to an assignment by a fiduciary may give the corporation or transfer agent written notice of the claim. The corporation or transfer agent is not put on notice unless the written notice identifies the claimant, the registered owner and the issue of which the security is a part, provides an address for communications directed to the claimant and is received before the transfer. Nothing in this Act relieves the corporation or transfer agent of any liability for making or refusing to make the transfer after it is so put on notice, unless it proceeds in the manner authorized in subsection (b).

(b) As soon as practicable after the presentation of a security for transfer pursuant to an assignment by a fiduciary, a corporation or transfer agent which has received notice of a claim of beneficial interest adverse to the transfer may send notice of the presentation by registered or certified mail to the claimant at the address given by him. If the corporation or transfer agent so mails such a notice it shall withhold the transfer for thirty days after the mailing and shall then make the transfer unless restrained by a court order.

Sec. 6. Non-Liability of Corporation and Transfer Agent. A corporation or transfer agent incurs no liability to any person by making a transfer or otherwise acting in a manner authorized by this Act.

Sec. 7. Non-Liability of Third Persons. (a) No person who participates in the acquisition, disposition, assignment or transfer of a security by or to a fiduciary including a person who guarantees the signature of the fiduciary is liable for participation in any breach of fiduciary duty by reason of failure to inquire whether the transaction involves such a breach unless it is shown that he acted with actual knowledge that the proceeds of the transaction were being or were to be used wrongfully for the individual benefit of the fiduciary or that the transaction was otherwise in breach of duty.

(b) If a corporation or transfer agent makes a transfer pursuant to an assignment by a fiduciary, a person who guaranteed the signature of the fiduciary is not liable on the guarantee to any person to whom the corporation or transfer agent by reason of this Act incurs no liability.

(c) This Section does not impose any liability upon the corporation or its transfer agent.

Sec. 8. Territorial Application. (a) The rights and duties of a corporation and its transfer agents in registering a security in the name of a fiduciary or in making a transfer of a security pursuant to an assignment by fiduciary are governed by the law of the jurisdiction under whose laws the corporation is organized.

(b) This Act applies to the rights and duties of a person other than the corporation and its transfer agents with regard to acts and omissions in this State in connection with the acquisition, disposition, assignment or transfer of a security by or to a fiduciary and of a person who guarantees in this State the signature of a fiduciary in connection with such a transaction.

Sec. 9. Tax Obligations. This Act does not affect any obligation of a corporation or transfer agent with respect to estate, inheritance, succession or other taxes imposed by the laws of this State.

Sec. 10. Uniformity of Interpretation. This Act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 11. Short Title. This Act may be cited as the Uniform Act for Simplification of Fiduciary Security Transfers.

Sec. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. This Act shall take effect July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 466

CHAPTER 1247

AN ACT TO EXEMPT CERTAIN ANNUITIES FROM INCLUSION IN THE GROSS VALUE OF ESTATES FOR INHERITANCE TAX PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-3 is hereby amended by adding a new subsection to be designated as subsection (5) to read as follows:

"(5) The value of an annuity or other payment receivable by any beneficiary (other than the executor) under (a) an employees' trust (or under a contract or insurance policy purchased by an employees' trust) forming part of a pension, stock bonus, or profit-sharing plan, which at the time of the decedent's separation from employment (whether by death or otherwise), or at the time of termination of the plan if earlier, met the requirements of Section 401 (a) of the United States Internal Revenue Code; or (b) a retirement annuity contract purchased by an employer (and not by an employees' trust) pursuant to a plan, which at the time of decedent's separation from employment (by death or otherwise), or at the time of termination of the plan if earlier, met the requirements of paragraph 3 of Section 401 (a) of such code. If such amounts payable after the death of the decedent under a plan described in clause (a) or (b) are attributable to any extent to payments or contributions made by the decedent, no exemption shall be allowed for that part of the value of such amounts in the proportion that the total payments or contributions made by the decedent bears to the total payments or contributions made. For purposes of the preceding sentence contributions or payments made by the decedent's employer or former employer under a trust or plan described in clause (a) or (b) shall not be considered to be contributed by the decedent. Provided, that the value of such annuities or other payments receivable described in this subsection shall not be exempt unless the payments received therefrom are or will be subject to income taxation under Article 4 of this subchapter, and if such payments are not or will not be subject to income taxation under Article 4 of this subchapter the value of such annuities or other payments receivable shall be included in the gross value of the estate of the decedent and taxable under the provisions of this Article."

Sec. 2. This Act shall be in full force and effect with respect to the estates of decedents dying on and after July 1, 1959.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 470 CHAPTER 1248

AN ACT TO PROVIDE FOR PURCHASE OF LIABILITY INSURANCE COVERAGE ON ALL STATE-OWNED MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Article 21 of Chapter 58 of the General Statutes is hereby amended by adding at the end thereof a new Section, to be designated as § 58-194.1, and to read as follows:

"§ 58-194.1. Liability Insurance Required for State-owned Vehicles. Every department, agency or institution of the State shall acquire motor

vehicle liability insurance on all State-owned motor vehicles under its control. A general fund department, agency or institution which does not have sufficient funds within its existing budget to pay the premiums for such insurance may, with the approval of the Advisory Budget Commission, make application to the Director of the Budget for allocation of funds for payment of premiums out of the contingent or emergency appropriation in the manner prescribed by G. S. 143-12."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 491 **CHAPTER 1249**

AN ACT TO APPROPRIATE FUNDS FOR THE OPERATION AND DEVELOPMENT OF FORT FISHER STATE HISTORIC SITE.

WHEREAS, Fort Fisher, an unusually strong fortress of its time, was constructed by Confederate forces at the mouth of the Cape Fear River to protect that river and the port of Wilmington against the Federal Blockade; and

WHEREAS, Fort Fisher, manned largely by North Carolina troops, was eminently successful in its mission throughout almost the entire Civil War, making it possible for Wilmington to remain open to shipping during the Civil War, the only Confederate port of any importance to do so; and

WHEREAS, the critical supplies and goods brought in through Wilmington contributed very significantly to the ability of General Lee's Army of Northern Virginia to continue in the field and also enabled North Carolina to equip her State troops better than did the other Confederate States; and

WHEREAS, significant remains of Fort Fisher exist and should be preserved and exhibited as a fitting illustration of the extreme importance of the Fort during the Civil War; and

WHEREAS, about 180 acres of Federal land have been acquired by lease for this purpose and the remainder of the site is being acquired by local organizations at large cost and will be offered to the State for administration as a State Historic Site, so that all necessary land will have been acquired without cost to the State; and

WHEREAS, the State Department of Archives and History is empowered by Chapter 121 of the General Statutes to conduct a State program for the preservation of historic sites and structures, and the Department acting with the Advisory Committee on Historic Sites has approved Fort Fisher for inclusion in the State Historic Sites Program: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. An appropriation is hereby made from the General Fund to the State Department of Archives and History for the fiscal year 1960-1961 as follows:

OPERATING BUDGET:

	1960-61
Salaries and Wages	$ 4,104.00
Salaries and Wages—Temporary	3,000.00
Supplies and Materials	300.00
Postage, Telephone, Telegraph, Express	75.00
Travel Expense	200.00
Motor Vehicle Operation	300.00
Light, Power, Water	125.00
Repairs and Alterations	300.00
Equipment	800.00
Motor Vehicle Purchase	1,600.00
TOTAL	$10,804.00

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 492

CHAPTER 1250

AN ACT AUTHORIZING COUNTIES AND MUNICIPALITIES TO MAKE APPROPRIATIONS AND LEVY TAXES TO MEET THE EXPENSES OF SUPPRESSING RIOTS OR INSURRECTIONS OR IN HANDLING ANY EXTRAORDINARY BREACH OF LAW AND ORDER AND TO ADD TO THE PURPOSES FOR WHICH BONDS AND NOTES MAY BE ISSUED.

The General Assembly of North Carolina do enact:

Section 1. Section 153-9 of the General Statutes is hereby amended by adding the following subsection:

"The board of county commissioners of any county is hereby authorized to take action to suppress riots or insurrections or to handle any extraordinary breach of law and order which occurs or which threatens to occur within the county. The board may levy annually on all taxable property in the county a special tax for the special purpose of meeting the expense of additional law-enforcement personnel and equipment which may be required in suppressing riots or insurrections or in handling any extraordinary breach of law and order which occurs or which threatens to occur within the county, and the General Assembly does hereby give its special approval for the levy of such special tax."

Sec. 2. Section 153-77 of the General Statutes is hereby amended by adding the following subsection:

"To meet the expense of additional law-enforcement personnel and equipment which may be required in suppressing riots or insurrections or in handling any extraordinary breach of law and order which occurs or which threatens to occur within the county."

Sec. 3. G. S. 160-402 is hereby amended by adding at the end thereof the following:

"Notwithstanding the limitation upon taxation contained in this Section, the governing body of any municipality is hereby authorized in its discretion to levy annually on all taxable property within the municipality a special tax for the special purpose of meeting the expense of additional law-enforcement personnel and equipment which may be required in suppressing riots or insurrections or in handling any extraordinary breach of law and order which occurs or which threatens to occur within the jurisdiction of the municipality. The special approval of the General Assembly is hereby given to the issuance by municipalities of bonds and notes for the special purpose of meeting the expense of additional law-enforcement personnel and equipment which may be required in suppressing riots or insurrections or in handling any extraordinary breach of law and order which occurs or which threatens to occur within the jurisdiction of the municipality."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 495

CHAPTER 1251

AN ACT TO AMEND G. S. 66-84 OF ARTICLE 17 OF CHAPTER 66 OF THE GENERAL STATUTES RELATING TO FALSE ADVERTISING AS TO GOING-OUT-OF-BUSINESS SALES SO AS TO MAKE SAME APPLICABLE TO HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 66-84 of Article 17 of Chapter 66 of the General Statutes, as the same appears in the 1957 Cumulative Supplement to Volume 2B of the General Statutes is hereby amended by inserting, after the word "Guilford" at the end of line 2, the word "Halifax,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after January 1, 1960.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 498 **CHAPTER 1252**

AN ACT TO REQUIRE FINANCIAL RESPONSIBILITY CERTIFIED TO THE UTILITIES COMMISSION OR THE INTERSTATE COMMERCE COMMISSION TO CONFORM TO THE VEHICLE FINANCIAL RESPONSIBILITY ACT OF 1957.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-317 is hereby amended by changing the period at the end of said Section to a comma and by adding thereafter the following:

"but to the extent that any insurance policy, bond or other agreement filed with or certified to the North Carolina Utilities Commission or Interstate Commerce Commission as evidence of financial responsibility affords less protection to the public than the financial responsibility required to be certified to the Department of Motor Vehicles under this Article as a condition precedent to registration of motor vehicles, the amounts, provisions and terms of such policy, bond or other agreement so certified shall be deemed to be modified to conform to the financial responsibility required to be proved under this Article as a condition precedent to registration of motor vehicles in this State. It is the intention of this Section to require owners of self-propelled motor vehicles registered in this State and operated under permits from the North Carolina Utilities Commission or the Interstate Commerce Commission to show and maintain proof of financial responsibility which is at least equal to the proof of financial responsibility required of other owners of self-propelled motor vehicles registered in this State."

Sec. 2. The provisions of this Act shall not affect any insurance policies or contracts now in force, but the same shall be effective with respect to all policies or contracts issued, made or renewed on or after the effective date of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on August 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 500 **CHAPTER 1253**

AN ACT AMENDING G. S. 81-74 AND REWRITING G. S. 81-77 RELATING TO THE STORAGE, HANDLING AND DISTRIBUTION OF LIQUID FERTILIZER.

The General Assembly of North Carolina do enact:

Section 1. That Section 81-74, as the same appears in the 1957 Cumulative Supplement to Volume 2B of the General Statutes, be and the same is hereby amended by deleting from said Section all of the fifth paragraph thereof reading as follows:

"The term 'contractor' shall be construed as being any person, firm, corporation, wholesaler, retailer, distributor, or any other person except the consumer, who, for hire or reward, applies liquid fertilizers to the soil of a consumer."

Sec. 2. That Section 81-77, as the same appears in the 1957 Cumulative Supplement to Volume 2B of the General Statutes, be and the same is hereby rewritten to read as follows:

"§ 81-77. Registration. Any person, firm or corporation before engaging in the business of handling, storing or distributing liquid fertilizer in this State shall register with the North Carolina Department of Agriculture and shall re-register on or before July 1 of each year thereafter so long as he shall engage in said business. The application for registration shall be submitted in duplicate to the Commissioner on forms furnished by the Commissioner of Agriculture."

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 506 CHAPTER 1254

AN ACT TO AMEND CHAPTER 108 OF THE GENERAL STATUTES SO AS TO MAKE THE RULES AND REGULATIONS PROMULGATED BY THE BOARD OF PUBLIC WELFARE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET AND THE ADVISORY BUDGET COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. All rules and regulations made by the State Board of Public Welfare to determine eligibility for grants from appropriations made in the Biennial Appropriations Act for Old Age Assistance, Aid to Dependent Children, and Aid to the Permanently and Totally Disabled, or to determine the amount of any such grant, shall be subject to the approval of the Director of the Budget and the Advisory Budget Commission.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 511 **CHAPTER 1255**

AN ACT TO AUTHORIZE ANY MEMBER OF A COUNTY BOARD OF PUBLIC WELFARE TO INSPECT THE RECORDS, DOCUMENTS, CASE HISTORIES, MEDICAL REPORTS AND OTHER DATA ON FILE IN THE OFFICE OF THE COUNTY SUPERINTENDENT OF PUBLIC WELFARE OR IN THE CUSTODY OF ANY CASE WORKER OR AGENT OF THE COUNTY SUPERINTENDENT OF PUBLIC WELFARE.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 108-11, as the same appears in the 1957 Cumulative Supplement of Volume 3A of the General Statutes of North Carolina, by adding at the end of said Section a new paragraph which shall read as follows:

"Any member of a county board of public welfare is authorized to inspect and examine any papers, documents, data, case histories, clinical data, medical reports, or any records whatsoever on file in the office of the county superintendent of public welfare, or in the custody of any case worker or agent or employee engaged in any service under any said county superintendent of public welfare, which pertain in any manner to any applicant or applications for public assistance of any type or nature, as authorized by Chapter 108 of the General Statutes, as amended. No member of a county board of public welfare shall disclose to anyone or make public any information acquired by him by virtue of such inspection of said records."

Sec. 1½. If the provisions of this Act are held by the Attorney General of the State of North Carolina to be in conflict with the Federal Statutes relating to disclosure of information (42 USCA 302; 42 USCA 602; 42 USCA 1352;) this Act shall be null and void.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 514 **CHAPTER 1256**

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MARTIN COUNTY AND THE GOVERNING BODIES OF THE VARIOUS MUNICIPALITIES WITHIN SAID COUNTY TO ENACT ORDINANCES REGULATING THE OPERATION OF JUKE BOXES IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Martin County be and it is hereby authorized to enact ordinances providing that it shall be unlawful to operate automatic coin-operated phonographs,

commonly known as jukeboxes, from midnight on Saturday of each week until 9:00 a. m. on the following Monday, and during the hours between 1:00 a. m. and 9:00 a. m. on each of the other days of the week, Tuesdays through Saturdays, inclusive, in any cafe, restaurant, or other place of business in Martin County outside the territorial limits of any incorporated town except in cafes and restaurants rated as Grade A by the State Board of Health.

That the governing body of any municipality within Martin County be and it is hereby authorized to enact ordinances providing that it shall be unlawful to operate such automatic coin-operated phonographs or jukeboxes from midnight on Saturday of each week until 9:00 a. m. on the following Monday, and during the hours between 1:00 a. m. and 9:00 a. m. on each of the other days of the week, Tuesdays through Saturdays, inclusive, in any cafe, restaurant, or other place of business located within the territorial limits of such municipality except in cafes and restaurants rated as Grade A by the State Board of Health.

Sec. 2. That the Board of County Commissioners of Martin County be and it is hereby further authorized to pass ordinances making it unlawful to operate such automatic coin-operated phonographs or jukeboxes for commercial purposes in any private home in said county outside the territorial limits of any incorporated town; and the governing body of any municipality within said county be and it is hereby authorized to pass ordinances making it unlawful to operate such automatic coin-operated phonographs or jukeboxes for commercial purposes in any private home within the territorial limits of such municipality.

Sec. 3. That the Board of County Commissioners and the other governing bodies of each of the municipalities within Martin County be and they are further authorized to provide in said ordinances that a violation of the same shall be a misdemeanor, punishable by fine or imprisonment or both, in the discretion of the court.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 516 CHAPTER 1257

AN ACT TO ALLOW THE QUALIFIED ELECTORS OF HALIFAX COUNTY TO DETERMINE IN A SPECIAL ELECTION WHICH OF TWO PROPOSED METHODS OF SELECTING MEMBERS OF THE BOARD OF ALCOHOLIC CONTROL SHALL BE ADOPTED FOR HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Halifax County Board of Elections shall hold a special election on the same date as the 1960 primary election at which time two methods for the selection of members of the Halifax County Board of

Alcoholic Control shall be submitted to the people of Halifax County. No new registration shall be required for this special election and said election shall be held in accordance with the laws governing primary elections insofar as is possible.

Sec. 2. The following questions shall be submitted to the qualified electors of Halifax County at said special election:

(a) ☐ For MURPHREY PROPOSAL naming a three-man board to serve until the 1962 general election, at which time the members of the Halifax County Board of Alcoholic Control shall be elected for two-year terms in the same manner as other elective county officers. All vacancies on the Halifax County Board of Alcoholic Control occurring between elections shall be filled by appointment of the Clerk of the Superior Court of Halifax County.

(b) ☐ For CREW PROPOSAL providing for a three-man board to be appointed by the members of the Halifax County Board of Commissioners, the Halifax County Board of Health, and the Halifax County Board of Education as provided by the State-wide ABC Law. Members of the Halifax County Board of Alcoholic Control shall serve until they resign or are removed for cause. Vacancies occurring on the Halifax County Board of Alcoholic Control shall be filled by appointment in the same manner as the original board is appointed.

Sec. 3. If a majority of the voters voting in said special election favor the Murphrey Proposal, then the following provisions of this Section shall be adopted for Halifax County and become effective following approval by the voters:

(a) There is hereby created and set up a board which shall be designated as the Alcoholic Beverages Control Board of Halifax County, hereinafter referred to as the Board, and to consist of three persons, whose duty it shall be to administer the provisions of this Section until their successors are qualified. The Board shall initially consist of the three persons hereinafter appointed.

(b) There shall be elected in Halifax County, at the general election to be held in the year 1962, and every two years thereafter, by the duly qualified voters thereof, three persons to be chosen from the body of the county, who shall be designated as the Alcoholic Beverages Control Board of Halifax County, hereinafter referred to as the Board, and they shall hold their office for two years from date of their qualification and until their successors are elected and qualified and it shall be the duty of said Board to administer the provisions of this Section.

(c) The duly elected members of the Board shall qualify and enter upon the duties of their office on the first Monday of December next succeeding their election, and they may take the oaths of office before the Clerk of Superior Court, or some judge, or justice of the peace or other person qualified by law to administer oaths. The oaths of office severally taken and subscribed by them shall be deposited with the Clerk of the Superior Court. The oath, which shall be taken by all members of the Board, whether elected or appointed, before beginning the duties of their office, shall be in the following form:

I, A. B., do swear (or affirm) that I will well and truly execute the duties of the office of member of the Alcoholic Beverages Control Board of Halifax County according to the best of my skill and ability, according to law; so help me, God.

(d) In case of a vacancy occurring in the Board, due to the death, resignation, or removal under G. S. 18-59 of any member, whether elected or appointed, the Clerk of the Superior Court of Halifax County shall appoint to said office some person for the unexpired term.

(e) The Board shall hold a regular meeting at the courthouse on the first Monday in each month unless the said first Monday falls on a legal holiday, in which event the meeting shall be held on the following Tuesday of the month. The Board may adjourn its regular meetings from day to day until the business before it is disposed of. Special meetings may be held by call of the Chairman of the Board upon two days' written notice being given to each of the Board members and posting such notice on the courthouse bulletin board. A majority of the Board shall constitute a quorum. At each regular December meeting the Board shall choose one of its members as chairman for the ensuing year, and in his absence the members present shall choose a temporary chairman.

(f) The Board is hereby authorized to fix the compensation of the members of said Board, to be paid out of the funds derived from operation of the Alcoholic Beverages Control System in Halifax County, and not to exceed the following amounts: For each member of the Board, fifty dollars ($50.00) per month; mileage allowance to and from each meeting attended, seven cents (7¢) per mile. The compensation fixed by the Board pursuant to this Section shall be in lieu of all other compensation for the services of the Chairman of the Board and the other members.

(g) The several members of the County Board shall give bond for the faithful performance of their duties, in the penal sum of five thousand dollars ($5,000.00), and the said bond shall be payable to the State of North Carolina and to Halifax County, with some corporate surety, which surety shall be satisfactory to, and approved by, the county attorney and the Chairman of the State Board, and shall be deposited with the Chairman of the State Board. The State Board, for and on behalf of the State of North Carolina, and Halifax County shall each be secured therein to the full amount of the penalty thereof, and the recovery or payment of any sums due thereunder to either shall not diminish or affect the right of the other obligee in said bond to recover the full amount of the said penalties thereof, and the giving and the approval of such bond shall be a part of the qualification of said members and no member shall be entitled to exercise any of the functions or powers incident to his appointment or election until and unless the said bond shall have been given and approved as herein provided.

(h) The Alcoholic Beverages Control Board of Halifax County, created by this Section, shall possess all power and authority which is necessary and proper in carrying out the provisions of the law relative to the sale and disposition of intoxicating beverages in regular stores set up and operated under the provisions of the Alcoholic Beverage Control Act.

(i) The present Alcoholic Beverages Control Board of Halifax County, and their agent or agents, shall turn over to the new Board of Alcoholic Control created by the provisions of this Section, on or before July 1, 1960, all monies, bank credits, stocks of merchandise, equipment, equity in contracts, books of record, bills receivable, accounts payable and all other property and effects of any kind or nature used in or incident to the operation of the Alcoholic Beverages Control Board in Halifax County. On June 29th and 30th, 1960, all alcoholic beverage control stores in Halifax County shall be closed and an inventory of all stocks, property and other effects belonging to the Alcoholic Beverages Control Board of Halifax County shall be taken jointly by the outgoing and incoming boards, or their agents. Such inventory shall be in writing and shall include the quantity and cost price of the stocks of merchandise and the number of articles and value of other property. The inventory herein provided for shall be available to the auditor who shall make a complete audit of the affairs of said Alcoholic Beverage Control System as of June 30, 1960. The profits heretofore accrued or hereafter accrued shall be distributed as follows:

After necessary deductions are made to provide for a proper reserve and to provide for operating expenses, all profits which accrue from the operation of the alcoholic beverage control stores in Halifax County, commencing July 1, 1960, and quarterly thereafter, shall be distributed in the following manner:

(1) Not less than five per cent (5%) nor more than ten per cent (10%) of the total profits shall be allocated to law enforcement and expended by the Halifax County Board of Alcoholic Control in the manner and for the purposes set out in G. S. 18-45, as it appears in the 1957 Cumulative Supplement to Volume 1C of the General Statutes.

(2) Not more than five per cent (5%) of the total profits may be allocated for education as to the use of alcoholic beverages and for the rehabilitation of alcoholics by the Halifax County Board of Alcoholic Control in the manner and for the purposes set out in G. S. 18-45, as it appears in the 1957 Cumulative Supplement to Volume 1C of the General Statutes.

(3) The Halifax County Board of Alcoholic Control shall set aside and pay over to the Halifax County Board of Commissioners such sum as may be required in order for the Board of Alcoholic Control to pay for library service, two dollars ($2.00) for each one dollar ($1.00) available from the North Carolina Library Commission.

(4) After subsections (1), (2) and (3) of this Section have been complied with:

a. Twenty-five per cent (25%) of the remaining profits shall be allocated and paid to the several municipal corporations within Halifax County where alcoholic beverage control stores are operated; such profits shall be allocated proportionately on the basis of the ratio of profits derived from the operation of the store or stores in any one municipality to the profits derived from the operation of all stores in all of the municipalities in the county in which stores are operated; and

b. Seventy-five per cent (75%) of the profits shall be paid to the Board of Commissioners of Halifax County; forty per cent (40%) shall be used by the county commissioners for general county purposes; sixty per cent (60%) of said seventy-five per cent (75%) shall be allocated by the county board of commissioners and distributed to the Halifax County Board of Education, the Weldon City Administrative Unit and the Roanoke Rapids City Administrative Unit proportionately on a per capita school enrollment basis and expended by the governing boards of the several school units for necessary expenses in their respective units.

(j) The books and records of the Halifax County Board of Alcoholic Control shall be audited quarterly by the auditor or auditing firm employed to do the regular county auditing and said quarterly audits shall be made available to the Board of County Commissioners of Halifax County and to the public for inspection and review.

(k) All funds realized from the operation of alcoholic beverage control stores in Halifax County shall be deposited in the bank daily. All disbursements of said funds shall be made by check and each check shall be signed by the manager and countersigned by the Chairman of the Board and the County Auditor for Halifax County.

(l) That all the powers and duties herein conferred upon the Alcoholic Beverages Control Board of Halifax County shall be subject to the powers granted by law to the State Alcoholic Beverages Control Board, and, whenever and wherever the State Board has been given power to approve or disapprove anything in respect to boards, county stores or county boards, then no act on the part of the Board created by this Section shall be exercisable or valid until and unless the same has been approved by the State Board.

(m) The Alcoholic Beverages Control Board of Halifax County, created by this Section, shall operate the Alcoholic Beverages Control System in Halifax County in an efficient and economical manner and shall operate said system as nearly within the limits of the present cost as possible, unless the decrease or increase in the volume of business may justify the increase or decrease of said operation expenses, and, in no event, shall any employee of the Alcoholic Beverages Control Board of Halifax County be compensated for services at a rate in excess of six thousand dollars ($6,000.00) per annum plus necessary expenses incurred in the performance of his duties for the Board.

(n) Frank B. Neal, Roanoke Rapids, N. C., J. Lucius Whitley, Rt. 2, Enfield, N. C., and Charlie E. Brewer, Rt. 2, Littleton, N. C., are hereby appointed as members of the Alcoholic Beverages Control Board of Halifax County created herein, and such persons shall qualify under the provisions of this Section and assume the duties of their office on July 1, 1960, and such persons shall serve until such time as their successors may qualify after being appointed or elected as provided by this Section.

(o) Chapter 433 of the Session Laws of 1943, Chapter 558 of the Session Laws of 1945, Chapter 33 of the Session Laws of 1947, Chapter 148 of the Session Laws of 1947, Chapter 824 of the Session Laws of 1947, Chapter 1114 of the Session Laws of 1949, Chapter 721 of the

Session Laws of 1951, Chapter 1033 of the Session Laws of 1951 and all other laws and clauses of laws relating to the Halifax County Board of Alcoholic Control are hereby repealed, and all other laws and clauses of laws in conflict with the provisions of this Section are hereby repealed.

Sec. 4. If a majority of the voters in said special election favor the Crew Proposal, then the following provisions of this Section shall be adopted for Halifax County and become effective following approval by the voters:

(a) Chapter 433 of the Session Laws of 1943, Chapter 558 of the Session Laws of 1945, Chapter 33 of the Session Laws of 1947, Chapter 148 of the Session Laws of 1947, Chapter 824 of the Session Laws of 1947, Chapter 1114 of the Session Laws of 1949, Chapter 721 of the Session Laws of 1951, Chapter 1033 of the Session Laws of 1951 and all other laws and clauses of laws relating to the Halifax County Board of Alcoholic Control in conflict with Article III, Chapter 18 of the General Statutes of North Carolina are hereby repealed.

(b) The present Alcoholic Beverage Control Board of Halifax County, and their agent or agents, shall turn over to the new Board of Alcoholic Control created by G. S. 18-41, on or before July 1, 1960, all monies, bank credits, stocks of merchandise, equipment, equity in contracts, books of record, bills receivable, accounts payable and all other property and effects of any kind or nature used in or incident to the operation of the Alcoholic Beverage Control Board of Halifax County. On June 29 and June 30, 1960, all alcoholic beverage control stores in Halifax County shall be closed and an inventory of all stocks, property and other effects belonging to the Alcoholic Beverage Control Board of Halifax County shall be taken jointly by the outgoing and incoming Boards, or their agents. Such inventory shall be in writing and shall include the quantity and cost price of the stocks of merchandise and the number of articles and value of other property. The inventory herein provided for shall be available to the auditor who shall make a complete audit of the affairs of said Alcoholic Beverage Control System as on June 30, 1960. The profits heretofore accrued or hereafter accrued shall be distributed as follows:

After necessary deductions are made to provide for a proper reserve and to provide for operating expenses, all profits which accrue from the operation of the alcoholic beverage control stores in Halifax County, commencing July 1, 1960, and quarterly thereafter, shall be distributed in the following manner:

(1) Not less than five per cent (5%) nor more than ten per cent (10%) of the total profits shall be allocated to law enforcement and expended by the Halifax County Board of Alcoholic Control in the manner and for the purposes set out in G. S. 18-45, as it appears in the 1957 Cumulative Supplement to Volume 1C of the General Statutes.

(2) Not more than five per cent (5%) of the total profits may be allocated for education as to the use of alcoholic beverages and for the rehabilitation of alcoholics by the Halifax County Board of Alcoholic

Control in the manner and for the purposes set out in G. S. 18-45, as it appears in the 1957 Cumulative Supplement to Volume 1C of the General Statutes.

(3) The Halifax County Board of Alcoholic Control shall set aside and pay over to the Halifax County Board of Commissioners such sum as may be required in order for the Board of Alcoholic Control to pay for library services, two dollars ($2.00) for each one dollar ($1.00) available from the North Carolina Library Commission.

(4) After subsections (1), (2) and (3) of this Section have been complied with:

(a) Twenty-five per cent (25%) of the remaining profits shall be allocated and paid to the several municipal corporations within Halifax County where alcoholic beverage control stores are operated; such profits shall be allocated proportionately on the basis of the ratio of profits derived from the operation of the store or stores in any one municipality to the profits derived from the operation of all stores in all of the municipalities in the county in which stores are operated; and

(b) Seventy-five per cent (75%) of the profits shall be paid to the Board of Commissioners of Halifax County; forty per cent (40%) shall be used by the county commissioners for general county purposes; sixty per cent (60%) of said seventy-five per cent (75%) shall be allocated by the county board of commissioners and distributed to the Halifax County Board of Education, the Weldon City Administrative Unit and the Roanoke Rapids City Administrative Unit proportionately on a per capita school enrollment basis and expended by the governing boards of the several school units for necessary expenses in their respective units.

(c) The books and records of the Halifax County Board of Alcoholic Control shall be audited quarterly by the auditor or auditing firm employed to do the regular county auditing and said quarterly audits shall be made available to the Board of County Commissioners of Halifax County and to the public for inspection and review.

(d) The Halifax County Board of Commissioners, the Halifax County Board of Health and the Halifax County Board of Education shall hold a joint meeting within fourteen (14) days after adoption of this proposal, and at such meeting they shall elect the three members of the new Halifax County Board of Alcoholic Control in the manner provided in G. S. 18-41 and shall arrange for the audit directed by this Section.

Sec. 5. The expenses incurred by the Halifax County Board of Elections in holding the special election provided for in this Act shall be paid for out of funds of the Halifax County Board of Alcoholic Control.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. B. 517 **CHAPTER 1258**

AN ACT TO AMEND CHAPTER 1053, 1959 SESSION LAWS OF NORTH CAROLINA TO INCLUDE THEREIN PROVISIONS FOR PERMITTING SALARY INCREASES FOR CERTAIN STATE EMPLOYEES WHO ARE PAID OUT OF SPECIAL FUNDS OR FROM SOURCES OTHER THAN TAX REVENUES TO THE SAME EXTENT AS OTHER STATE EMPLOYEES PROVIDED FUNDS ARE MADE AVAILABLE FROM OPERATIONS OR FROM SPONSORING AGENTS.

WHEREAS, the Budget Appropriation Bill for the Biennium 1959-61 now designated as Chapter 1053, 1959 Session Laws of North Carolina through inadvertence failed to include and make provisions for salary increases for certain full-time permanent employees of the State whose salaries are paid out of special funds or from sources other than tax revenues and from funds available or made available by sponsoring agents; and

WHEREAS, it is desirous that such employees shall be allowed salary increases to the same extent as other full-time permanent State employees: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That Chapter 1053, 1959 Session Laws of North Carolina be and the same is hereby amended by adding a new Section following "Sec. 22.3" to read as follows:

"Sec. 22.4. The provisions of Section 22.3 may be applied to increase salaries paid out of special funds or from sources other than tax revenues; provided, the necessary funds are made available from operations or from sponsoring agents.

"The Director of the Budget is authorized and empowered to allocate out of special operating funds, under which personnel is employed, sufficient sums to conform with the provisions of Section 22.3 of this Act; provided funds are available or made available by the sponsoring agents."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 12 **CHAPTER 1259**

AN ACT TO AMEND AND SUPPLEMENT "THE REVENUE ACT," BEING SUBCHAPTER 1 OF CHAPTER 105 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

TITLE AND PURPOSE OF ACT

Section A. The title of this Act shall be "The Act of 1959 Amending and Supplementing 'The Revenue Act', being subchapter 1 of Chapter 105 of the General Statutes."

Sec. B. The purpose of this Act is to amend and supplement "The Revenue Act", being Chapter 1 of Chapter 105 of the General Statutes, and to raise and provide revenue for the purposes therein set forth by requiring the withholding of State income tax from wages by employers and by requiring the filing of declarations of estimated income and income tax by individual persons and the payment thereof in four installments.

"The Revenue Act", being subchapter 1 of Chapter 105 of the General Statutes, is hereby amended and supplemented as hereinafter provided in this Act, that is to say:

Section 1. Chapter 105 of the General Statutes is hereby amended by adding a new Article immediately following Article 4, to be designated as Article 4A, and to read as follows:

"Article 4A

WITHHOLDING OF INCOME TAXES FROM WAGES AND FILING OF DECLARATIONS OF ESTIMATED INCOME AND PAYMENT OF INCOME TAX BY INDIVIDUALS.

"G. S. 105-163.1. Definitions. As used in this Article, (1) 'Commissioner' means the Commissioner of Revenue.

(2) 'Corporation' includes an association or a joint stock company.

(3) 'Dependent' means a dependent with respect to whom a three-hundred-dollar ($300.00) income tax exemption is allowed under the provisions of Article 4 of this Chapter.

(4) The word 'Employee' means an individual, whether resident or nonresident in this State, who performs or performed any service in this State for wages or an individual domiciled in this State who performs or performed any service outside this State for wages. The word 'employee', as used in this subsection, is intended to include officers of corporations and elected public officials.

(5) The word 'Employer' means this State, or any political subdivision thereof, the United States, or any agency or instrumentality of any one or more of the foregoing, or a person, for whom an individual performs or performed any service as an employee; except that:

A. if the person, governmental unit, or agency thereof, for whom the individual performs or performed the service does not have control of the payment of the wages for such services, the term 'employer' (except for the purposes of subsection (6) of this Section) means the person having control of the payment of such wages, and

B. in the case of a person paying wages on behalf of a nonresident person not engaged in trade or business within this State or on behalf of any governmental unit or agency thereof not located within this State, the term 'employer' (except for purposes of subsection (6) of this Section) means such person.

(6) The term 'Wages' means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include remuneration paid:

A. for agricultural labor where such remuneration is paid to workers employed on the farm for services rendered on the farm in the production, harvesting, and transportation of agricultural products to market for the farmer-employer; or

B. for domestic service in a private home, local college club, or local chapter of a college fraternity or sorority; or

C. for service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is fifty dollars ($50.00) or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if:

(I) on each of some 24 days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business; or

(II) such individual was regularly employed (as determined under subparagraph (I) above) by such employer in the performance of such service during the preceding calendar quarter; or

D. for services not in the course of the employer's trade or business, to the extent paid in any medium other than cash; or

E. to, or on behalf of, an employee or his beneficiary—

(I) from or to a trust described in Section 401(a) of the Internal Revenue Code which is exempt from tax under Section 501(a) of the Internal Revenue Code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust; or

(II) under or to an annuity plan which, at the time of such payment, meets the requirements of Section 401(a)(3), (4), (5), and (6) of the Internal Revenue Code.

(7) The term 'Transient Employer' means an 'employer' who is not a resident of this State and who temporarily engages in any activity within the State for the production of income. Without intending to exclude others who may come within the foregoing definition, any nonresident 'employer' engaging in any such activity within the State which, as of any date, cannot be reasonably expected to continue for a period of eighteen consecutive months shall be deemed to be temporarily engaged in such activity.

(8) 'Fiduciary' means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person, estate or trust.

(9) 'Fiscal year' means an accounting period of twelve months ending on the last day of any month other than December.

(10) 'Individual' means a natural person.

(11) 'Internal Revenue Code' means the United States Revenue Code of 1954, as amended.

(12) 'Payroll period' means a period for which a payment of wages is ordinarily made to the employee by his employer, and the term 'mis-

cellaneous payroll period' means a payroll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannual, or annual payroll period.

(13) 'Person' means and includes an individual, a fiduciary, a partnership and a corporation.

(14) 'Taxable year' means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed, and in the case of a return made for a fractional part of a year under the provisions of this Chapter or under regulations prescribed by the Commissioner, 'taxable year' means the period for which such return is made.

(15) The term 'Net Taxable Income' means that part of the income of an individual which, during the taxable year of the individual, is subject to payment of an income tax thereon under the provisions of Article 4 of this Chapter."

"G. S. 105-163.2. Withholding. (a) Every employer making payment of wages on or after January 1, 1960, shall deduct and withhold with respect to the wages of each employee for each payroll period an amount determined as follows:

Such amount which, if an equal amount was collected for each similar payroll period with respect to a similar amount of wages for each payroll period during an entire calendar year, would aggregate or approximate the income tax liability of such employee under Article 4 of this Chapter after making allowance for the personal exemptions to which such employee would be entitled on the basis of his status during such payroll period and after making allowance for withholding purposes for a deduction from wages of ten per cent (10%) thereof, but not exceeding five hundred dollars ($500.00) per calendar year, and without making allowance for any other deductions.

(b) The Commissioner of Revenue shall cause to be prepared and shall promulgate tables for computing amounts to be withheld with respect to different rates of wages for different payroll periods applicable to the various combinations of exemptions to which an employee may be entitled and taking into account the limited ten per cent (10%) deduction above referred to. Such tables may provide for the same amount to be withheld within reasonable salary brackets or ranges so designed as to result in the withholding during a year of approximately the amount of an employee's indicated income tax liability with respect to said year. The withholding of wages pursuant to and in accordance with such tables shall be deemed as a matter of law to constitute compliance with the provisions of subsection (a) of this Section, notwithstanding any other provisions of this Article.

(c) If wages are paid with respect to a period which is not a payroll period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days, excluding Sundays and holidays, equal to the number of days in the period with respect to which such wages are paid.

(d) In any case in which wages are paid by an employer without regard to any payroll period or other period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days equal to the number of days, excluding Sundays and holidays, which have elapsed since the date of the last payment of such wages by such employer during the calendar year, or the date of commencement of employment with such employer during such year, or January 1 of such year, whichever is the later.

(e) The Commissioner may, by regulations, authorize employers:

(1) to estimate the wages which will be paid to any employee in any quarter of the calendar year;

(2) to determine the amount to be deducted and withheld upon each payment of wages to such employee during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid; and

(3) to deduct and withhold upon any payment of wages to such employee during such quarter such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employee during such quarter to the amount that would be required to be deducted and withheld during such quarter if the payroll period of the employee was quarterly.

(f) The Commissioner is authorized in unusual circumstances wherein he finds that the use of the prescribed tables is impracticable or constitutes an unreasonable requirement of the employer to authorize such employer to use some other method of determining the amounts to be withheld under this Article, provided the amounts withheld under such other method will reasonably approximate the indicated income tax liability of his employees. Further, the Commissioner may authorize an employer to use another method for determining the amounts to be withheld under the provisions of this Article from the wages or salaries of groups of employees or individual employees if the circumstances are such that the use of the tables would produce substantially incorrect results. Any authorization of the use of a different method shall be subject to review and cancellation or alteration by the Commissioner every twelfth month, and the Commissioner may cancel such authorization or order an alteration of such method at any time upon a finding by him that such authorization is being abused or that such method is not resulting in the withholding of a sum reasonably approximating the indicated income tax liability of the employees, which finding may be made by the Commissioner with or without notice or a hearing and shall be conclusive except as hereinafter provided. The Commissioner shall notify the employer in writing of his finding and order thereon, and such notice shall be deemed to have been received by the employer on the third day after having been deposited in the mail and the employer shall thereafter abide by such order. Any employer feeling aggrieved by such order may thereafter apply for a hearing thereon before the Commissioner, unless a hearing has been previously held, and upon such hearing the findings of the Commissioner shall be deemed conclusive.

(g) The Commissioner is authorized to provide by regulation, under such conditions and to such extent as he deems proper, for withholding in addition to that otherwise required under this Section in cases in which the employer and the employee agree to such additional withholding. Such additional withholding shall for all purposes be treated as other withholding amounts required to be deducted and withheld under this Article.

(h) The act of compliance with any of the provisions of this Article by a nonresident employer shall not constitute an act in evidence of and shall not be deemed to be evidence that such nonresident is doing business in this State."

"G. S. 105-163.3. Withholding in Accordance with Regulations. The manner of withholding and the amount to be deducted and withheld under G. S. 105-163.2 shall be determined in accordance with tables, rules and regulations promulgated by the Commissioner. The withholding exemption allowed by such tables, rules and regulations shall, as nearly as possible, approximate the exemptions to which an employee would be entitled under G. S. 105-149."

"G. S. 105-163.4. Basis of Determination of Remuneration Being Wages. If any of the remuneration paid by an employer to an employee during any payroll period or during any miscellaneous period without reference to a payroll period constitutes actual reimbursement of the employee for ordinary and necessary expenses incurred by the employee on behalf of the employer and in the futherance of the business of the employer, then such amounts as are paid to reimburse the employee for such expenses are not to be considered as wages and no amounts shall be deducted and withheld therefrom."

"G. S. 105-163.5. Exemptions Allowable; Certificates. (a) An employee receiving wages shall be entitled to the exemptions for which such employee qualifies under the provisions of Article 4 of this Chapter.

(b) Every employee shall, on or before January 1, 1960, or at the time of commencing employment, whichever is later, furnish his employer with a signed withholding exemption certificate informing the employer of the exemptions which the employee claims, which in no event shall exceed the amount of exemptions to which the employee is entitled under G. S. 105-149; but, in the event that the employee fails to file the exemption certificate required herein, the employer, in computing amounts to be withheld from said employee's wages, shall allow the employee the exemption accorded a single person with no dependents.

(c) Withholding exemption certificates shall take effect as of the beginning of the first payroll period which ends on or after the date on which such certificate is furnished, or if payment of wages is made without regard to a payroll period, then such certificate shall take effect as of the beginning of the miscellaneous payroll period for which the first payment of wages is made on or after the date on which such certificate is furnished; provided, that certificates furnished before January 1, 1960, shall be deemed to have been furnished on that date.

(d) If, on any day during the calendar year, the amount of withholding exemptions to which the employee is entitled is less than the amount of withholding exemptions claimed by the employee on the withholding exemption certificate then in effect with respect to him, the employee shall, within ten days thereafter, furnish the employer with a new withholding exemption certificate relating to the amount of withholding exemptions which the employee then claims, which shall in no event exceed the amount to which he is entitled on such day. If, on any day during the calendar year, the amount of withholding exemptions to which the employee is entitled is greater than the amount of withholding exemptions claimed, the employee may furnish the employer with a new withholding exemption certificate relating to the amount of withholding exemptions which the employee then claims, which shall in no event exceed the amount to which he is entitled on such day.

(e) Withholding exemption certificates shall be in such form and contain such information as the Commissioner may prescribe, but, insofar as practicable, the Commissioner shall cause the form of such certificates to be substantially similar to Federal Exemption certificates."

"G. S. 105-163.6. Payment of Amounts Withheld; Personal Liability for Failure to Withhold; Limitation of Recovery. (a) Every employer required to deduct and withhold from an employee's wages under G. S. 105-163.2 shall, for the quarterly period beginning January 1, 1960, and for each quarterly period thereafter, on or before the last day of the month following the close of each quarterly period, make return and pay over to the Commissioner the amounts required to be withheld under G. S. 105-163.2. Such returns shall be in such form and contain such information as the Commissioner may prescribe.

(b) Notwithstanding any of the other provisions of this Section, all transient employers shall make return and pay over to the Commissioner on a monthly basis the amounts required to be withheld under G. S. 105-163.2. Such returns and payments to the Commissioner by transient employers shall be made on or before the last day of the month following the month for which such amounts were deducted and withheld from the wages of his employees.

(c) Notwithstanding any of the other provisions of this Section, all employers engaged in any business which is seasonal shall make return and pay over to the Commissioner on a monthly basis the amounts required to be withheld under G. S. 105-163.2. Such returns and payments to the Commissioner by employers engaged in such seasonal business shall be made on or before the last day of the month following the month for which such amounts were deducted and withheld from the wages of his employees.

(d) If the Commissioner, in any case, has reason to believe that the collection of moneys, required by this Article to be withheld by the employer, is in jeopardy, he may require the employer to make such return and pay to the Commissioner such amounts required to be withheld at

any time said Commissioner may designate therefor subsequent to the time when such amounts should have been deducted from wages and withheld.

(e) Every employer who fails to withhold or pay to the Commissioner any sums required by this Article to be withheld and paid shall be personally and individually liable therefor to the Commissioner; and any sum or sums withheld in accordance with the provisions of G. S. 105-163.2 shall be deemed to be held in trust for the Commissioner."

"G. S. 105-163.7. Statement to Employees; Information to Commissioner. (a) Every employer required to deduct and withhold from an employee's wages under G. S. 105-163.2 shall furnish to each such employee in respect to the remuneration paid by such employer to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, within thirty days from the date on which the last payment of remuneration is made, duplicate copies of a written statement showing the following: (1) the name of such person; (2) the name of the employee and his social security account number; (3) the total amount of wages; (4) the total amount deducted and withheld under G. S. 105-163.2.

(b) The written statement above referred to shall be furnished at such other times, shall contain such other information, and shall be in such form as the Commissioner may by regulations prescribe. Every employer shall file annual returns or reports setting forth such information as the Commissioner may require, and the Commissioner may require the filing of such additional copies of all written statements described above as he may deem necessary. On and after January 1, 1961, the annual returns or reports required to be made to the Commissioner under the provisions of this Section shall be in lieu of such returns required under G. S. 105-154 as would furnish identical information."

"G. S. 105-163.8. Liability of Employer. An employer shall be liable for the payment to the Commissioner of the amounts required to be deducted and withheld under G. S. 105-163.2, and an employer who has withheld and paid such amounts to the Commissioner shall not otherwise be liable to any person for the amounts of any such payments. Upon failure of an employer to pay over any amounts withheld or required to be withheld by said employer under this Article, the Commissioner may make assessments, issue warrants for the collection of such amounts, issue certificates of tax liability, collect by attachment or garnishment proceedings or bring actions for the collection of such amounts and for penalties due under the provisions of G. S. 105-241.1, G. S. 105-242 and G. S. 105-243."

"G. S. 105-163.9. Refund to Employer; Application. (a) Where there has been an overpayment to the Commissioner by the employer or withholding agent under the provisions of this Article, refund shall be made to the employer or withholding agent, as the case may be, only to the extent that the amount of such overpayment was not deducted and withheld by the employer or withholding agent from the employee's

wages, and such refund shall be paid together with interest thereon at the rate of four per cent (4%) per annum; provided, that interest on any such refund shall be computed from a date ninety (90) days after the date the overpayment was originally made by the employer or withholding agent.

(b) Unless written application for refund is received by the Commissioner from the employer within two years from the date the overpayment was made, no refund shall be allowed."

"G. S. 105-163.10. Withheld Amounts Credited to Individual for Calendar Year. The amount deducted and withheld under G. S. 105-163.2 during any calendar year from the wages of any individual shall be allowed as a credit to such individual against the tax imposed by G. S. 105-133, for taxable years beginning in such calendar year. If more than one taxable year begins in such calendar year such amount shall be allowed as a credit against the tax for the last taxable year so beginning. As a prerequisite to obtaining the credit allowed herein, the individual taxpayer must file with the Commissioner one copy, and such other copies and information as may be required by regulation, of the withholding statement provided for by G. S. 105-163.7, and such withholding statement must accompany the annual income tax return required by G. S. 105-152."

"G. S. 105-163.11. Estimated Declaration of Income and Income Tax; Contents; When and Where Filed; Amendments to Declaration; Option of Amendment. (a) Every individual shall, for all taxable years beginning on and after January 1, 1960, and at the times prescribed in subsection (c) of this Section, make a declaration of his estimated income and his estimated income tax for the taxable year:

(1) if no part of his income consists of wages, and his net taxable income can reasonably be expected to equal or exceed two hundred dollars ($200.00) for the taxable year, or

(2) if his income consists of wages and other income, and his net taxable income can reasonably be expected to equal or exceed two hundred dollars ($200.00) for the taxable year; provided, that no individual shall be required to file a declaration pursuant to this paragraph unless all of his income from whatever source, other than wages from which tax has been withheld under the provisions of this Article, which may be subject to an income tax under Article 4 of this Chapter can be reasonably expected to exceed, by two hundred dollars ($200.00) or more, the sum of: (A) all business connected deductions allowable under the provisions of Article 4 to which the taxpayer can be reasonably expected to be entitled during the taxable year in the production of all income, other than wages earned by the taxpayer, and (B) the amount of all deductible dividends from stocks which can be reasonably expected to be earned by the taxpayer during the taxable year.

(b) In the declaration required under subsection (a) above, the individual shall state:

(1) the amount which he estimates as his total income from all sources for the taxable year;

(2) the amount which he estimates as the amount of tax for which he will be liable under G. S. 105-133 for the taxable year, less any credits to which he can reasonably be expected to be entitled under G. S. 105-151;

(3) the amount which he estimates will be withheld, if any, from wages of the taxpayer for the taxable year under the provisions of G. S. 105-163.2;

(4) the excess of the amount estimated under paragraph (2) of this subsection over the amount estimated under paragraph (3) of this subsection, which excess for the purposes of this Article shall be considered the estimated tax for the taxable year to be paid to the Commissioner directly by the individual; and

(5) such other information as may be required by the Commissioner.

(c) The declaration required under subsection (a) of this Section shall be filed with the Commissioner on or before April 15 of the taxable year, except that if the requirements of subsection (a) of this Section are first met:

(1) After April 1 and before June 2 of the taxable year, the declaration shall be filed on or before June 15 of the taxable year; or

(2) After June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15 of the taxable year; or

(3) After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding taxable year.

(d) An individual may make amendments of a declaration filed during the taxable year under regulations prescribed by the Commissioner.

(e) If on or before January 31 (or February 15, in the case of an individual referred to in subsection (f) below, relating to income from farming) of the succeeding taxable year the taxpayer files a return, for the taxable year for which the declaration is required, and pays in full the amount computed on the return as payable, then—

(1) if the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15, such return shall be considered as such declaration; and

(2) if the tax shown on the return (reduced by the sum of all credits against tax to which the taxpayer may be entitled under the provisions of Article 4 and Article 4A of this Chapter) is greater than the estimated tax shown in a declaration previously made, or in the last amendment thereof, such return shall be considered as the amendment of the declaration permitted by subsection (d) to be filed on or before January 15.

In the application of this subsection in the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the 15th or last day of the months specified in this subsection, the 15th or last day of the months which correspond thereto.

(f) Declaration of estimated tax required to be filed by this Section from individuals whose estimated gross income from farming (including oyster farming) for the taxable year is at least two-thirds of the total estimated gross income from all sources for the taxable year may, in

lieu of the time prescribed in subsection (c), be filed at any time on or before January 15 of the succeeding taxable year.

(g) The application of this Section to taxable years of less than twelve months shall be in accordance with regulations prescribed by the Commissioner.

(h) In the application of this Section to the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the months specified in this Section, the months which correspond thereto."

"G. S. 105-163.12. Filing of Declarations and Amended Declarations Hereunder. If the taxpayer is unable to make his own declarations, amended declarations, payments or any information returns required under the provisions of this Article, then the same shall be made by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such taxpayer."

"G. S. 105-163.13. Affirmation; Penalty for False Declaration. Whenever any declaration, amended declaration, or information returns required under the provisions of this Article shall be furnished to the Commissioner, there shall be annexed thereto the affirmation of the taxpayer, or of any other person furnishing same, in the following form: 'I hereby affirm that this declaration, amended declaration, or return, including any schedules and attachments thereto, has been examined by me, and, to the best of my knowledge and belief, is true and complete and is made in good faith covering the taxable period stated, pursuant to the Revenue Act of 1939, as amended, and the regulations issued under authority thereof, and that this affirmation is made under the penalties prescribed by law.' Any individual who wilfully makes and subscribes a declaration, amended declaration, or return required by this Article, which he does not believe to be true and correct as to every material matter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not to exceed one thousand dollars ($1,000.00) or imprisonment not to exceed six months, or both, in the discretion of the court. The Commissioner shall cause to be prepared blank forms for the said declarations, amended declarations and returns, and shall cause them to be distributed throughout the State, and to be furnished upon application; but failure to receive or secure the form shall not relieve any taxpayer from the obligation of making any declaration, amended declaration or return herein required."

"G. S. 105-163.14. Payment of Tax. (a) The estimated income tax, as defined in G. S. 105-163.11 and with respect to which a declaration is required to be filed thereunder, shall be paid as follows:

(1) If the declaration is filed on or before April 15 of the taxable year, the estimated tax shall be paid in four equal installments. The first installment shall be paid at the time of the filing of the declaration, the second and third on June 15 and September 15, respectively, of the taxable year, and the fourth on January 15 of the succeeding taxable year.

(2) If the declaration is filed after April 15 and not after June 15 of the taxable year and is not required by subsection (c) of G. S. 105-163.11 to be filed on or before April 15 of the taxable year, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time of the filing of the declaration, the second on September 15 of the taxable year, and the third on January 15 of the succeeding taxable year.

(3) If the declaration is filed after June 15 and not after September 15 of the taxable year and is not required by subsection (c) of G. S. 105-163.11 to be filed on or before June 15 of the taxable year, the estimated tax shall be paid in two equal installments. The first installment shall be paid at the time of the filing of the declaration, and the second on January 15 of the succeeding taxable year.

(4) If the declaration is filed after September 15 of the taxable year, and is not required by subsection (c) of G. S. 105-163.11 to be filed on or before September 15 of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

(5) If the declaration is filed after the time prescribed in G. S. 105-163.11, there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed in subsection (c) of G. S. 105-163.11, and the remaining installments shall be paid at the times at which, and in the amounts in which, they would have been payable if the declaration had been filed on time.

(b) If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased as the case may be, to reflect the respective increase or decrease in the estimated tax by reason of such amendment, and if any amendment is made after September 15 of the taxable year any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

(c) At the election of the individual, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(d) Payment of estimated income tax, or any installment thereof, shall be considered payment on account of the income taxes imposed by Article 4 of this Chapter for the taxable year.

(e) The application of this Section to taxable years of less than twelve months shall be in accordance with regulations prescribed by the Commissioner.

(f) In the application of this Section to the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the months specified in this Section, the months which correspond thereto."

"G. S. 105-163.15. Failure by Individual to Pay Estimated Income Tax; Penalty. (a) In the case of any underpayment of the estimated tax by an individual, except as provided in subsection (d), there shall be added to the tax imposed under Article 4 for the taxable year an amount determined at the rate of six per cent (6%) per annum upon the amount of the underpayment as determined under subsection (b), for the period

of the underpayment, as determined under subsection (c) of this Section.

(b) For the purposes of subsection (a), the amount of the underpayment shall be the excess of:

(1) the amount of the installment which would be required to be paid if the estimated tax were equal to seventy per cent (70%) (sixty-six and two-thirds per cent (66-2/3%) in the case of individuals referred to in G. S. 105-163.11(f), relating to income from farming) of the tax shown on the return for the taxable year or, if no return was filed, seventy per cent (70%) (sixty-six and two-thirds per cent (66-2/3%) in the case of individuals referred to in G. S. 105-163.11(f), relating to income from farming) of the tax for such year, over

(2) the amount, if any, of the installment paid on or before the last date prescribed for such payment.

(c) The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier:

(1) The 15th day of the fourth month following the close of the taxable year.

(2) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection (b) (1) for such installment date.

(d) Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds whichever of the following is the lesser:

(1) The amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least:

(A) The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year and such preceding year was a taxable year of 12 months, or

(B) An amount equal to the tax computed, at the rates applicable to the taxable year, on the basis of the taxpayer's status with respect to personal exemptions under Article 4 of the taxable year, but otherwise on the basis of the facts shown on his return for, and the law applicable to, the preceding taxable year, or

(C) An amount equal to seventy per cent (70%) (sixty-six and two-thirds per cent (66-2/3%) in the case of individuals referred to in G. S. 105-163.11(f), relating to income from farming) of the tax for the taxable year computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the taxable income shall be placed on an annualized basis by:

(i) multiplying by 12 (or, in case of a taxable year of less than 12 months, the number of months in the taxable year) the taxable income (computed without deduction of personal exemptions) for the months in the taxable year ending before the month in which the installment is required to be paid,

(ii) dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, and

(iii) deducting from such amount the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment); or

(2) An amount equal to ninety per cent (90%) of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the months in the taxable year ending before the month in which the installment is required to be paid.

(e) For purposes of applying this Section—

(1) the estimated tax shall be computed without any reduction for the amount which the individual estimates as his credit under G. S. 105-163.10 (relating to tax withheld at source on wages), and

(2) the amount of the credit allowed under G. S. 105-163.10 for the taxable year shall be deemed a payment of estimated tax, and an equal part of such amount shall be deemed paid on each installment date (as determined under G. S. 105-163.14) for such taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts so withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld.

(f) The application of this Section to taxable years of less than twelve months shall be in accordance with regulations prescribed by the Commissioner.

(g) Except as otherwise provided in this Article, all provisions of Articles 4 and 9 of this Chapter relating to penalties for failure to file returns or pay taxes when due under said Articles shall apply with respect to returns, declarations, and payments of tax by any individual, or failure to file returns or other records or make payment of withholding taxes or sums withheld from wages by any employer, pursuant to the provisions of this Article. The penalties provided by Articles 4 and 9 shall apply with respect to delinquencies for periods of time not specifically provided for in this Article."

"G. S. 105-163.16. Overpayment Refunded. (a) Where the amount of wages withheld at the source under G. S. 105-163.2 exceeds the taxes imposed by Article 4 of this Chapter against which the tax so withheld may be credited under G. S. 105-163.10, the amount of such excess shall be considered an overpayment by the employee, and, notwithstanding the provisions of G. S. 105-266 and G. S. 105-266.1, overpayment by the employee shall be refunded by the Commissioner under the provisions of this Section.

(b) Where the amount of estimated tax paid under the provisions of G. S. 105-163.14 exceeds the taxes imposed by Article 4 of this Chapter against which the estimated tax so paid may be credited under the provisions of this Article, the amount of such excess shall be considered an overpayment by the taxpayer, and, notwithstanding the provisions of G. S. 105-266 and G. S. 105-266.1, such overpayment by the taxpayer shall be refunded by the Commissioner under the provisions of this Section.

(c) Where there has been an overpayment (as specified in subsections (a) and (b) of this Section) of any tax imposed under Article 4 of this Chapter, as disclosed by the taxpayer's annual return required to be filed by Article 4, the amount of such overpayment shall be refunded to the taxpayer; except that overpayments of fifty cents (50¢) or less shall be refunded only upon receipt by the Commissioner of a written demand for such refund from the taxpayer. Every refund authorized by this Section shall be made as expeditiously as possible, and within six months from the date on which the annual return is filed or due to be filed, whichever is later, insofar as the same is practicable; except that no refunds for overpayment of estimated tax shall be made by the Commissioner prior to the date on which the final return is filed by the taxpayer. No interest shall be paid with respect to any such refund if the refund is made within the six months' period above referred to. Interest computed at the rate of four per cent (4%) per annum shall be paid on refunds made after the expiration of said six months' period, such interest to be computed from the time of the expiration of said six months' period until paid. It shall not be necessary for the Attorney General or any member of his staff to approve such refund. The making of such refund does not absolve any taxpayer of any income tax liability which may in fact exist and the Commissioner may make any assessment for any deficiency in the manner provided in Article 4 of this Chapter. No overpayment of tax by the taxpayer shall be refunded irrespective of whether upon discovery or receipt of written demand if such discovery is not made or such demand is not received within three (3) years from the date set by the statute for the filing of the annual return by the taxpayer or within six (6) months of the payment of the tax alleged to be an overpayment, whichever date is the later.

"G. S. 105-163.17. Enforcement. Except as otherwise provided in this Article, all provisions of Articles 4 and 9 of this Chapter relating to assessments, interest on delinquent payments, liens and collections with respect to taxes shall apply to all taxes and to the withholding of proper amounts from employees' wages for which an employer is responsible pursuant to this Article, and the procedure with respect thereto shall be the same as provided in said Articles 4 and 9 with respect to assessment and collection of taxes.

Any employer required under the provisions of this Article to deduct and withhold from wages and make returns and payment of amounts withheld to the Commissioner, who fails to withhold such amounts, or to make such returns, or who fails to remit amounts collected to the Commissioner, or otherwise fails to remit to the Commissioner as required by this Article, shall be subject to a penalty equal to twenty-five per cent (25%)

of the amount that should have been properly withheld and paid over to the Commissioner for each such failure. Such penalty shall be assessed and collected by the Commissioner in the same manner as is provided with respect to penalties on delinquent income tax payments under the provisions of Articles 4 and 9 of this Chapter.

The withholding of the proper amounts of an employee's wages pursuant to this Article and the payment of proper amounts to the Commissioner as herein required, whether withheld in fact or not, shall be subject to all the provisions of Articles 4 and 9 of this Chapter relating to payment of income taxes, not inconsistent with this Article."

"G. S. 105-163.18. Rules and Regulations. The Commissioner is hereby authorized to prescribe forms and make all rules and regulations which he deems necessary in order to achieve effective and efficient enforcement of this Article."

"G. S. 105-163.19. Wilful Failure to Collect or Pay Over Tax. Any person required under this Article to deduct and withhold, account for, make returns and pay over any tax imposed by Article 4 and required to be withheld from wages and paid over under the provisions of this Article who wilfully fails to withhold, collect and truthfully account for, make returns and pay over such tax shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed five hundred dollars ($500.00) or imprisonment not to exceed six months, or both, in the discretion of the court."

"G. S. 105-163.20. Wilful Failure to File Declaration, Amended Declaration or Pay Estimated Tax. Any person required under this Article to file any declaration, amended declaration, or to pay estimated tax, or required by the provisions of this Article or regulations made under the authority thereof to make any return or furnish any information, who wilfully fails to file such declarations, amended declarations and such other returns as may be required, or who wilfully fails to pay any estimated tax, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed five hundred dollars ($500.00) or imprisonment not to exceed six months, or both, in the discretion of the court."

"G. S. 105-163.21. Penalty for Making False Statement. Any person who knowingly falsifies any statement, certificate or return required under this Article or under any rule or regulation promulgated by the Commissioner of Revenue under authority of this Article shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed five hundred dollars ($500.00) or imprisonment not to exceed six months, or both, in the discretion of the court."

"G. S. 105-163.22. Reciprocity. The Commissioner of Revenue may, with the approval of the Attorney General, enter into agreements with the taxing authorities of states having income tax withholding statutes with such agreements to govern the amounts to be withheld from the wages and salaries of residents of such other state or states under the

provisions of this Article when such other state or states grant similar treatment to the residents of this State. Such agreements may provide for recognition of the anticipated tax credits allowed under the provisions of G. S. 105-151 in determining the amounts to be withheld."

"G. S. 105-163.23. Withholding from Federal Employees. The Commissioner of Revenue is hereby designated as the proper official to make request for and enter into agreements with the Secretary of the Treasury of the United States to provide for the compliance with this Article by the head of each department or agency of the United States in withholding of State income taxes from wages of Federal employees and paying the same to this State. The Commissioner is hereby authorized, empowered and directed to make request for and enter into such agreements."

"G. S. 105-163.24. Construction of Article. This Article shall be liberally construed in pari materia with Article 4 of this Chapter to the end that taxes levied by Article 4 shall be collected with respect to wages by withholding from wages by employers of the appropriate amounts herein provided for and by payments in installments by individuals of income tax with respect to income other than wages."

Sec. 1A. Chapter 105 of the General Statutes is hereby amended by inserting a new Article immediately preceding Article 5, to be designated as Article 4B, and to read as follows:

"Article 4B

FILING OF DECLARATIONS OF ESTIMATED INCOME TAX AND INSTALLMENT PAYMENTS OF ESTIMATED INCOME TAX BY CORPORATIONS.

"G. S. 105-163.25. Definitions. As used in this Article, (1) 'Commissioner' means the Commissioner of Revenue.

(2) 'Corporation' includes joint-stock companies or associations.

(3) 'Fiscal year' means an accounting period of twelve months ending on the last day of any month other than December.

(4) The words 'taxable year' mean the calendar year or fiscal year upon the basis of which the net income is computed under Article 4; if no fiscal year has been established, they mean the calendar year. In the case of a return made for a fractional part of the year under the provisions of Article 4, or under regulations prescribed by the Commissioner, the words 'taxable year' mean the period for which such return is made.

(5) The term 'estimated tax' means the excess of the amount which the corporation estimates as the amount of the income tax imposed by Article 4 over the sum of one hundred thousand dollars ($100,000)."

"G. S. 105-163.26. Declarations of Estimated Income Tax by Corporations. (a) Every corporation subject to taxation under Article 4 shall, for all taxable years beginning on and after January 1, 1960, and at the times prescribed in G. S. 105-163.27, make a declaration of estimated tax under Article 4 for the taxable year if its income tax imposed by Article 4 for such taxable year reduced by the credits against the tax provided by Article 4 can reasonably be expected to exceed one hundred thousand dollars ($100,000).

(b) The declaration shall contain a statement of the amount which the corporation estimates as its total net income from all sources for the taxable year, the proportion of its total net income allocable to North Carolina, the amount which it estimates as the amount of tax for which it will be liable for the taxable year, and such other information as may be required by the Commissioner.

(c) A corporation may make amendments of a declaration filed during the taxable year under regulations prescribed by the Commissioner.

(d) The application of this Section to taxable years of less than twelve months shall be in accordance with regulations prescribed by the Commissioner."

"G. S. 105-163.27. Time for Filing Declarations of Estimated Income Tax by Corporations. (a) The declaration of estimated tax required of corporations by G. S. 105-163.26 shall be filed on or before the 15th day of the 9th month of the taxable year, except that if the requirements of G. S. 105-163.26 are first met after the last day of the 8th month and before the 1st day of the 12th month of the taxable year, the declaration shall be filed on or before the 15th day of the 12th month of the taxable year.

(b) If a declaration is filed before the 15th day of the 12th month of the taxable year, an amendment of such declaration may be filed on or before such day.

(c) The application of this Section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Commissioner."

"G. S. 105-163.28. Installment Payments of Estimated Income Tax by Corporations. (a) Notwithstanding the provisions of Article 4, fifty per cent (50%) of the estimated tax, with respect to which a declaration is required under the provisions of this Article, shall be paid to the Commissioner during the taxable year in accordance with the provisions of this Section.

(b) If the declaration is filed on or before the 15th day of the 9th month of the taxable year, the amount determined under subsection (a) above shall be paid in two equal installments. The first installment shall be paid on or before the 15th day of the 9th month of the taxable year, and the second installment shall be paid on or before the 15th day of the 12th month of the taxable year. If the declaration is filed after the 15th day of the 9th month of the taxable year, the amount determined under subsection (a) above shall be paid in full on or before the 15th day of the 12th month of the taxable year.

(c) If any amendment of a declaration is filed, installments payable on the 15th day of the 12th month, if any, shall be ratably increased or decreased, as the case may be, to reflect the increase or decrease, as the case may be, in the estimated tax by reason of such amendment.

(d) The application of this Section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Commissioner.

(e) At the election of the corporation, any installment of the estimated tax may be paid prior to the date prescribed for its payment."

"G. S. 105-163.29. Payments of Estimated Income Tax. Payment of the estimated income tax, or any installment thereof, shall be considered payment on account of the income taxes imposed by Article 4 for the taxable year."

"G. S. 105-163.30. Failure by Corporation to Pay Estimated Income Tax. (a) In the case of any underpayment of estimated tax by a corporation, except as provided in subsection (d), there shall be added to the tax under Article 4 for the taxable year an amount determined at the rate of six per cent (6%) per annum upon the amount of the underpayment (determined under subsection (b) for the period of the underpayment (determined under subsection (c)).

(b) For the purposes of subsection (a), the amount of the underpayment shall be the excess of

(1) the amount of the installment which would be required to be paid if the estimated tax were equal to seventy per cent (70%) of the tax shown on the return for the taxable year or, if no return was filed, seventy per cent (70%) of the tax for such year, over

(2) the amount, if any, of the installment paid on or before the last day prescribed for payment.

(c) The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

(1) the 15th day of the 3rd month following the close of the taxable year.

(2) with respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on the 15th day of the 12th month shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection (b)(1) for the 15th day of the 12th month.

(d) Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser—

(1) The tax shown on the return of the corporation for the preceding taxable year reduced by one hundred thousand dollars ($100,000), if a return showing a liability for tax was filed by the corporation for the preceding taxable years and such preceding year was a taxable year of 12 months.

(2) An amount equal to the tax computed at the rate applicable to the taxable year but otherwise on the basis of the facts shown on the return of the corporation for, and the law applicable to, the preceding taxable year.

(3) (A) an amount equal to seventy per cent (70%) of the tax for the taxable year computed by placing on an annualized basis the taxable income:

(i) for the first 6 months or for the first 8 months of the taxable year, in the case of the installment required to be paid in the ninth month, and

(ii) for the first 9 months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the twelfth month.

(B) For purposes of this paragraph, the taxable income shall be placed on an annualized basis by—

(i) multiplying by 12 the taxable income referred to in subparagraph (A), and

(ii) dividing the resulting amount by the number of months in the taxable year (6 or 8, or 9 or 11, as the case may be) referred to in subparagraph (A).

(e) For purposes of subsections (b), (d) (2), and (d) (3), the term 'tax' means the excess of the tax imposed by Article 4, over the sum of one hundred thousand dollars ($100,000).

(f) The application of this Section to taxable years of less than twelve months shall be in accordance with regulations prescribed by the Commissioner."

"G. S. 105-163.31. Filing of Declarations and Other Returns Hereunder. The declarations, amended declarations or any information returns required under the provisions of this Article from any corporation shall be signed by either its president, vice president, treasurer, assistant treasurer, secretary or assistant secretary. In a case where a receiver, trustee in bankruptcy or assignee, by order of a court of competent jurisdiction, by operation of law or otherwise, has possession of or holds title to all or substantially all of the property or business of a corporation, whether or not such property or business is being operated, such receiver, trustee, or assignee shall make and sign the declarations, amended declarations or any information returns for such corporation in the same manner and form as corporations are required to make same."

"G. S. 105-163.32. Affirmation; Penalties for False Declaration. Whenever any declaration, amended declaration or information returns required under the provisions of this Article shall be furnished to the Commissioner, there shall be annexed thereto the affirmation of the person furnishing same, in the following form: 'I hereby affirm that this declaration, amended declaration, or return, including any schedules and attachments thereto, has been examined by me, and, to the best of my knowledge and belief, is true and complete and is made in good faith covering the taxable period stated, pursuant to the Revenue Act of 1939, as amended, and the regulations issued under authority thereof, and that this affirmation is made under the penalties prescribed by law.' Any individual who wilfully makes and subscribes a declaration, amended declaration, or return required by this Article, which he does not believe to be true and correct as to every material matter, shall be guilty of a

misdemeanor, and, upon conviction thereof, shall be subject to a fine not to exceed one thousand dollars ($1,000.00) or imprisonment not to exceed six months, or both, in the discretion of the court. The Commissioner shall cause to be prepared blank forms for the said declarations, amended declarations and returns, and shall cause them to be distributed throughout the State, and to be furnished upon application; but failure to receive or secure the form shall not relieve any taxpayer from the obligation of making any declaration, amended declaration or return herein required."

"G. S. 105-163.33. Overpayment Refunded. (a) Where there has been an overpayment of estimated tax, such overpayment shall be credited to the taxpayer and applied to the tax imposed upon such taxpayer by Article 4. No refunds for overpayment of estimated tax shall be made by the Commissioner prior to the filing of the annual return required from the taxpayer under Article 4, but, after the annual return is filed, any overpayments shall be refunded in accordance with the provisions of Article 4."

"G. S. 105-163.34. Enforcement. Except as otherwise provided in this Article, all provisions of Articles 4 and 9 of Chapter 105 of the General Statutes relating to assessments, liens and collections with respect to taxes shall apply to all payments for which a corporation is responsible under the provisions of this Article, and the procedure with respect thereto shall be the same as provided in Articles 4 and 9."

"G. S. 105-163.35. Wilful Failure to Pay Estimated Tax. Any person required under this Article to pay any estimated tax, who wilfully fails to pay such estimated tax, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than five hundred dollars ($500.00) or imprisoned not exceeding six months, or punished by both such fine and imprisonment in the discretion of the court, within the limitations aforesaid."

"G. S. 105-163.36. Construction of Article. This Article shall be liberally construed in pari materia with Article 4 to the end that taxes levied by Article 4 shall be collected in installments during the taxable year in the manner and to the extent provided for by this Article."

"G. S. 105-163.37. Rules and Regulations. The Commissioner is hereby authorized to prescribe forms and to make all rules and regulations which he deems necessary to achieve effective and efficient enforcement of this Article."

Sec. 2. Amendments to the Income Tax Article,

ARTICLE 4, SCHEDULE D.

Subsection (a). G. S. 105-137 is hereby amended by substituting a comma for the period at the end of the Section and adding the following: "except as may be hereinafter provided to the contrary by Article 4A and Article 4B".

Subsection (b). G. S. 105-157 is hereby amended by deleting the first sentence of subsection (a) thereof and substituting the following: "Ex-

cept as otherwise provided in this Section and in Article 4A and Article 4B of this Chapter, the full amount of the tax payable as shown on the face of the return shall be paid to the Commissioner of Revenue at the office where the return is filed at the time fixed by law for filing the return; provided further, that the option of deferred payments allowed by this Section shall not be available to an individual with respect to payment of taxes due under this Article for income years beginning on and after January 1, 1960."

Subsection (c). G. S. 105-161 is hereby amended by inserting in the first sentence of subsection (d) thereof after the words "this article" the following: ", Article 4A or Article 4B,".

Sec. 3. Article 3 of Chapter 105 of the General Statutes, as same appears in the 1958 Replacement Volume 2C is hereby amended as follows:

(a) By striking the word "oath" out of line nine of subsection (a) of G. S. 105-116 and inserting in lieu thereof the word "affirmation".

(b) By striking the word "oath" out of line seven of subsection (a) of G. S. 105-117 and inserting in lieu thereof the words "the affirmation".

(c) By striking the word "oath" out of line six of subsection (a) of G. S. 105-118 and inserting in lieu thereof the word "affirmation".

(d) By striking out of line five of subsection (a) of G. S. 105-119 the word "oath" and inserting in lieu thereof the word "affirmation".

(e) By striking out of line five of subsection (a) of G. S. 105-120 the word "oath" and inserting in lieu thereof the word "affirmation".

(f) By inserting in line three of subsection (c) (1) of G. S. 105-122 between the words "property" and "the" the words "or dealing in tangible personal property".

Sec. 4. Article 4 of Chapter 105 of the General Statutes, as same appears in the 1958 Replacement Volume 2C is hereby amended as follows:

(a) By changing the period at the end of the paragraph numbered (3) on page 624 of Volume 2C of the General Statutes, the same being a paragraph of G. S. 105-134, to a comma and by adding thereafter the following: "unless such income is received from sources constituting a part of the corporation's principal, regular or unitary business in which event such income shall be allocated in accordance with the applicable allocation formula hereinafter set out".

(b) By changing the period at the end of the third line on page 627 of Volume 2C of the General Statutes, the same being a part of G. S. 105-134, to a colon and adding thereafter the following: "Provided further that where a corporation is subject to an income tax in another state or states, or would be subject to an income tax in another state or states if such state or states had adopted the net income tax laws of this State, only because of income subject to direct allocation under the provisions of this Section, then all sales shall be deemed attributable to this State."

(c) By inserting between the words "section" and "shall" on line eleven in the paragraph lettered "f" on page 628 of Volume 2C of the

General Statutes, being a part of G. S. 105-134, the following: "and gross receipts received from the casual sale of property used in the production of income in the trade or business".

(d) By changing the period at the end of subsection (2) of G. S. 105-138, as same appears on page 631 of Volume 2C, to a comma and adding thereafter the following: "and electric and telephone membership corporations organized under Chapter 117 of the General Statutes."

(e) By inserting in line 37 on page 645 of Volume 2C of the General Statutes, being a part of G. S. 105-143, immediately preceding the word "in" in said line the following: "or paid upon indebtedness endorsed or guaranteed by the parent corporation".

(f) By striking out the sentence beginning on line 38 of page 645 of Volume 2C of the General Statutes, being a part of G. S. 105-143, and by inserting in lieu thereof the following: "The term 'borrowed capital' shall mean the outstanding indebtedness (other than interest due) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract."

(g) By rewriting G. S. 105-144.1 to read as follows:

"§ 105-144.1. Involuntary Conversions; Recognition of Gain. (a) General Rule. If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted—

(1) Into property similar or related in service or use to the property so converted, no gain shall be recognized.

(2) Into money or into property not similar or related in service or use to the converted property, and the disposition of the converted property occurred after December 31, 1958, the gain (if any) shall be recognized except to the extent hereinafter provided in this paragraph:

(A) If the taxpayer during the period specified in subparagraph (B), for the purpose of replacing the property so converted, purchases other property similar or related in service or use to the property so converted, or purchases stock in the acquisition of control of a corporation owning such other property, at the election of the taxpayer the gain shall be recognized only to the extent that the amount realized upon such conversion (regardless of whether such amount is received in one or more taxable years) exceeds the cost of such other property or such stock. For purposes of this paragraph—

(i) no property or stock acquired before the disposition of the converted property shall be considered to have been acquired for the purpose of replacing such converted property unless held by the taxpayer on the date of such disposition; and

(ii) the taxpayer shall be considered to have purchased property or stock only if, but for the provisions of subsection (b) of this Section, the unadjusted basis of such property or stock would be its cost within the meaning of this Article.

(B) The period referred to in subparagraph (A) shall be the period beginning with the date of the disposition of the converted property, or the earliest date of the threat or imminence or requisition or condemnation of the converted property, whichever is the earlier, and ending—

(i) one year after the close of the first taxable year in which any part of the gain upon the conversion is realized, or

(ii) subject to such terms and conditions as may be specified by the Commission of Revenue, at the close of such later date as the Commissioner of Revenue may designate on application by the taxpayer. Such application shall be made at such time and in such manner as the Commissioner of Revenue may prescribe.

(C) If a taxpayer has made the election provided in subparagraph (A) then—

(i) the statutory period for the assessment of any deficiency, for any taxable year in which any part of the gain on such conversion is realized, attributable to such gain shall not expire prior to the expiration of three years from the date the Commissioner of Revenue is notified by the taxpayer of the replacement of the converted property or of an intention not to replace, and

(ii) such deficiency may be assessed before the expiration of such three-year period not withstanding the provisions of law which would otherwise prevent such assessment.

(D) If the election provided in subparagraph (A) is made by the taxpayer and such other property or such stock was purchased before the beginning of the last taxable year in which any part of the gain upon such conversion is realized, any deficiency, to the extent resulting from such election, for any taxable year ending before such last taxable year may be assessed (notwithstanding the provisions of law which would otherwise prevent such assessment) at any time before the expiration of the period within which a deficiency for such last taxable year may be assessed.

(b) If the property was acquired, after January 1, 1921, as the result of a compulsory or involuntary conversion described in subsection (a) (1), the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law (applicable to the year in which such conversion was made) determining the taxable status of the gain or loss upon such conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon such conversion under the law applicable to the year in which such conversion was made. In the case of property purchased by the taxpayer in a transaction described in subsection (a) (2) which resulted in the nonrecognition of any part of the gain realized as the result of a compulsory or involuntary conversion, the basis shall be the cost of such property decreased in the amount of the gain not so recognized; and if the property purchased consists of more than one piece of property, the basis determined under this sentence shall be allocated to the purchased properties in proportion to their respective costs.

(c) For purposes of this Section, if livestock are destroyed by or on account of disease, or are sold or exchanged because of disease, such destruction or such sale or exchange shall be treated as an involuntary conversion to which this Section applies.

(d) For purposes of this Section, the sale or exchange of livestock (other than poultry) held by a taxpayer for draft, breeding, or dairy purposes in excess of the number the taxpayer would sell if he followed his usual business practices shall be treated as an involuntary conversion to which this Section applies if such livestock are sold or exchanged by the taxpayer solely on account of drought.

(e) As used in this Section, the term "control" means the ownership of stock possessing at least eighty per centum (80%) of the total combined voting power of all classes of stock entitled to vote, and at least eighty per centum (80%) of the total number of shares of all other classes of stock of the corporation.

(f) (1) For purposes of subsection (a), if real property (not including stock in trade or other property held primarily for sale) held for productive use in trade or business or for investment is (as the result of its seizure, requisition, or condemnation, or threat or imminence thereof) compulsorily or involuntarily converted, property of a like kind to be held either for productive use in trade or business or for investment shall be treated as property similar or related in service or use to the property so converted.

(2) Paragraph (1) shall not apply to the purchase of stock in the acquisition of control of a corporation described in subsection (a) (2) (A).

(g) In the administration of this Section, the Commissioner may, in his discretion, apply the Federal rules and regulations, rulings, and Federal Court decisions pertinent to the administration and construction of Section 1033 of the Federal Internal Revenue Code of 1954, but the Commissioner shall not be bound by such rules and regulations, rulings and decisions."

(h) By adding a new subsection to G. S. 105-145 to be designated as subsection (e) to read as follows:

"(e) In administering this Section and in interpreting the clause 'property of like kind,' the Commissioner shall whenever applicable use as a guide the Federal rules and regulations in the administration of Section 1031 of the Federal Internal Revenue Code of 1954 to the extent that same are not in conflict with the provisions of this Section."

(i) By rewriting the first paragraph of subsection (7) of G. S. 105-147 to read as follows:

(7) Dividends from stock issued by any corporation to the extent herein provided. As soon as may be practicable after the close of each calendar year, the Commissioner of Revenue shall determine from each corporate income tax return filed with him during such year, and due from the filing corporation during such year, the proportion of the entire net income or loss of the corporation allocable to this State under the provisions of G. S. 105-134, except as provided herein; if a corporation has a net taxable income in North Carolina and a net loss from all sources

wherever located, or, if a corporation has a net loss in North Carolina and a net income from all sources wherever located, the Commissioner shall require the use of the allocation ratio determined under the provisions of subsection or item (6) of G. S. 105-134. A taxpayer who is a stockholder in any such corporation shall be allowed to deduct from his gross income the same proportion of the dividends received by him from such corporation during his income year ending at or after the end of such calendar year. No deduction shall be allowed for any part of any dividend received by such taxpayer from any corporation which filed no income tax return with the Commissioner of Revenue during such calendar year. Dividends received by a taxpayer from stock in any insurance company of this State taxed under the provisions of § 105-228.5 shall be deductible from the gross income of such taxpayer, and a proportionate part of any dividends received from stock in any foreign insurance corporation shall be deductible, such part to be determined on the basis of the ratio of premiums reported for taxation in this State to total premiums collected both in and out of the State. Dividends received by a taxpayer from stock in any bank or trust company in this State taxed under the provisions of Article 8C of subchapter I of this Chapter shall be deductible. A taxpayer shall be allowed to deduct such proportionate part of dividends received by him from a North Carolina regulated investment company, as defined in § 105-138 as represents and corresponds to income received by such regulated investment company which would not be taxed by this State if received directly by the North Carolina corporation or resident.

(j) By striking out of line twelve of the second paragraph of subsection (7) of G. S. 105-147 the word "gross" and by inserting in lieu thereof the word "net".

(k) By adding a new sentence to the last paragraph of subsection (12) of G. S. 105-147 to read as follows: "Percentage depletion shall not be allowed for any minerals which are used, or sold for use as riprap, ballast, road material, rubble concrete, aggregates, building or construction material, or for similar purposes."

(l) By inserting between the word "policy" and the period at the end of G. S. 105-148(3) the following: "except to the extent that such payments made by the employer are on group life insurance plans for the benefit of the employees, which plans have been approved by the Commissioner of Insurance and which premiums constitute ordinary and necessary business expense".

(m) G. S. 105-149, as the same now appears in 1958 Replacement Volume 2C of the General Statutes, is hereby amended by striking out the words "one thousand dollars ($1,000.00)" and by substituting therefor the words "two thousand dollars ($2,000.00)" in line 12 thereof.

Sec. 5. Article 5 of Chapter 105 of the General Statutes, as same appears in the 1958 Replacement Volume 2C, is hereby amended as follows:

(a) By inserting between the words "retail" and "merchant" in the first line of subsection (10) of G. S. 105-164.3 the words "or wholesale".

(b) By deleting from subsection (10) of G. S. 105-164.3 following

the word "of" in line three of said subsection the words "a 'retailer' as defined herein" and inserting in lieu thereof the following: "buying or acquiring by consignment or otherwise any tangible personal property and selling the same at retail or wholesale."

(c) By deleting the last sentence of subsection (15) of G. S. 105-164.3.

(d) By inserting immediately before the period in line eleven of subsection (15) of G. S. 105-164.3 the following: "or consumed at the place at which such property is prepared, served or sold".

(e) By inserting between the words "retail" and "merchant" in line three of subsection (2) of G. S. 105-164.5 the words "or wholesale".

(f) By inserting between the words "retail" and "merchant" in line two of subsection (3) of G. S. 105-164.5 the words "or wholesale".

(g) By inserting between the words "retail" and "merchants" in line two of subsection (4) of G. S. 105-164.5 the words "or wholesale".

(h) By deleting the last sentence of subsection (5) of G. S. 105-164.6.

(i) By inserting after the word "buying" in the second line of subsection (23) of G. S. 105-164.3 the words "or manufacturing".

(j) By inserting between the words "retail" and "merchants" in line three of subsection (23) of G. S. 105-164.3 the words "or wholesale".

(j1) By inserting in line 11 of subsection (23) of G. S. 105-164.3 immediately after the word "products" the following: "(other than bakery products)".

(k) By inserting immediately prior to the word "jobber" in line two of subsection (24) of G. S. 105-164.3 and immediately prior to the word "wholesale" at the end of said line the words "or registered".

(l) By inserting immediately before the word "wholesale" in line two of subsection (9) of G. S. 105-164.13 the words "or registered".

(m) By rewriting G. S. 105-164.5(a) to read as follows:

"G. S. 105-164.5(a) Wholesale Tax.

"The following sales of tangible personal property are exempt from the wholesale tax levied by this Article:

(1) Commercial fertilizer on which the inspection tax is paid and lime and land plaster used for agricultural purposes whether the inspection tax is paid or not.

(2) Seeds, feeds for livestock and poultry, and insecticides for livestock, poultry, and agriculture.

(3) Products of farms, forests, and mines when such sales are made by the producers in their original or unmanufactured state.

(4) Cotton, tobacco, peanuts or other farm products sold to manufacturers for further manufacturing or processing.

(5) Horses or mules by whomsoever sold.

(6) Semen to be used in the artificial insemination of animals.

(7) Manufactured products produced and sold by the manufacturers or producers thereof to other manufacturers, producers or registered wholesale or retail merchants for the purpose of resale except that this exemption shall not apply to the sale or distribution of such products (other than bakery products) by any manufacturer or producer when

made from or through a store or stores, warehouse or warehouses, or any other place or places, separate and apart from the place of manufacture or production.

(8) Ice, whether sold by the manufacturer, producer, wholesale or retail merchant.

(9) Sales of products of waters in their original or unmanufactured state when such sales are made by the producers. Fish and seafoods shall be likewise exempt when sold by the fishermen.

(10) Sales of tangible personal property by the manufacturer thereof, directly from the place of manufacture, to other manufacturers for use as ingredient or component parts of their manufactured product.

(11) Gasoline or other motor fuel on which the tax levied in Section 105-434 and/or Section 105-435 of the General Statutes is due and has been paid, and the fact that a refund of the tax levied by either of said Sections is made pursuant to the provisions of subchapter V of Chapter 105 shall not make the sale or the seller of such fuels subject to the tax levied by this Article.

(12) Crutches, artificial limbs, artificial eyes, hearing aids, false teeth, eye glasses ground on prescription of physicians or optometrists and other orthopedic appliances when the same are designed to be worn on the person of the owner or user.

(13) Holy Bibles, public school books on the adopted list, the selling price of which is fixed by State Contract, newsprint paper and newspapers, and subscriptions to periodicals, the principal articles in which primarily and regularly deal with news, history, traditions, customs, agricultural, farm-home, or religious subjects which articles pertain particularly to North Carolina and promote pride and interest in the State.

(14) Sales to manufacturers of photographs, instruction sheets, booklets, catalogues, pamphlets, and other printed matter when such photographs, instruction sheets, booklets, catalogues, pamphlets or other printed matter are to accompany items of tangible personal property produced, processed or assembled by such manufacturer when ultimately sold for use or consumption, or, are to be used to advertise or otherwise promote the sale of items of tangible personal property produced, processed, or assembled by such manufacturer. Provided, however, that this subsection shall not apply to the sale of any item of tangible personal property which has any use other than advertising the products of the purchaser or giving instructions as to the proper use of the products of the purchaser.

(15) Sales of used articles taken in trade, or a series of trades, as a credit or part payment on the sale of a new article, provided the tax levied in this Article is paid on the full gross sales price of the new article. In the interpretation of this subsection, new article shall be taken to mean the original stock in trade of the merchant, and shall not be limited to newly-manufactured articles. The resale of articles repossessed by the vendor shall likewise be exempt from gross sales taxable under this Article.

(16) The lease or rental of motion picture films used for exhibition purposes where the lease or rental of such property is an established business or part of an established business or the same is incidental or germane to said business of the lessee.

(17) Sales by the manufacturer thereof, directly from the place of manufacture, of wrapping paper, labels, wrapping twine, paper, cloth, plastic bags, cartons, packages and containers, cores, cones or spools, wooden boxes, baskets, coops and barrels, including paper cups, napkins and drinking straws and like articles to manufacturers, producers and retailers, when such materials are used for packaging, shipment or delivery of tangible personal property which is sold either at wholesale or retail or when such articles constitute a part of the sale of such tangible personal property and are delivered with it to the customer.

(18) Sales of fuels to farmers to be used by them for any farm purposes other than preparing food, heating dwellings and other household purposes.

(19) Sales of fuel to manufacturing industries and manufacturing plants for use in connection with the operation of such industries and plants other than sales of fuel to be used for residential heating purposes. The quantity of fuel purchased or used at any one time shall not in any manner be a determinative factor as to whether any sale or use of fuel is or is not subject to any of the taxes imposed by this Article.

(20) Sales of boats, fuel oil, lubricating oils, machinery, equipment, nets, rigging, paints, parts, accessories and supplies to commercial fishermen for use by them in the taking or catching commercially of shrimp, crab, oysters, clams, scallops, and fish, both edible and nonedible.

(21) Sales to commercial laundries or to pressing and dry cleaning establishments of machinery used in the direct performance of the laundering or the pressing and cleaning service and of parts and accessories thereto and of fuel used for the operation of such machinery and articles or materials used for the identification of garments being laundered or dry cleaned, wrapping paper, bags, hangers, starch, soaps, detergents, cleaning fluids and other compounds or chemicals applied directly to the garments in the performance of said services.

(22) Sales to freezer locker plants of machinery used in the direct operation of said freezer locker plant and of parts and accessories thereto and of wrapping paper, cartons and supplies consumed directly in the operation of such plant.

(23) Medicines sold at retail on prescription of physicians and medicines compounded, processed or blended by the druggist offering the same for sale at retail.

(24)(a) Sales of drugs or medical supplies to physicians or hospitals, or by physicians and hospitals to patients in connection with medical treatments. (b) Sales of dental supplies, dentures, artificial restoration of teeth and similar devices to dentists. (c) Sales of ophthalmic instruments to physicians and optometrists.

(25) Sales of drugs or medical supplies to veterinarians or veterinary hospitals or sales by veterinarians and veterinary hospitals of drugs or

medical supplies in connection with medical treatments of animals being treated by any such veterinarian or veterinary hospital.

(26) Sales which a state would be without power to tax under the limitations of the Constitution or laws of the United States or under the Constitution of this State.

(27) Sales made to the State of North Carolina or any of its subdivisions, including sales of tangible personal property to agencies of State or local governments for distribution in public welfare or relief work. This exemption shall not apply to sales made to organizations, corporations, and institutions that are not governmental agencies, owned and controlled by the State or local governments. Sales of building materials made directly to State and local governments in this State shall be exempt from the tax on building materials levied in this Article, and sales of building materials to contractors to be used in construction work for State or local governments shall be construed as direct sales.

(28) Sales of tangible personal property to hospitals not operated for profit, churches, orphanages, and other charitable or religious institutions or organizations not operated for profit, and educational institutions not operated for profit, when such tangible personal property is purchased for use in carrying on the work of such institutions or organizations. Sales of building materials to contractors to be used in construction and repair work for the institutions and agencies described in this subsection shall be construed as sales to said institutions or agencies for the purposes of this subsection.

(29) Sales by concession stands operated by the State Prison System within the confines of the prisons where such sales are made to prison inmates and guards therein while on duty.

(30) Sales by blind merchants operating under supervision of the Commission for the Blind.

(31) The lease or rental of films, motion picture films, transcriptions and recordings to radio stations and television stations operating under a certificate from the Federal Communications Commission.

(32) Sales of broadcasting equipment and parts and accessories thereto and towers to commercial radio and television companies which are under the regulation and supervision of the Federal Communications Commission.

(33) Accounts of purchasers, representing taxable sales, on which the tax imposed by this Article has been paid, that are found to be worthless and actually charged off for income tax purposes may, at corresponding periods, be deducted from gross sales, provided, however, they must be added to gross sales if afterwards collected.

(34) Sales of fuel for use or consumption by ocean-going vessels which ply the high seas in interstate or foreign commerce exclusively, when delivered directly to such vessels.

(o) By inserting in G. S. 105-164.5(1) immediately after the word "retail" in next to the last line of said subsection: "and sales of central office equipment and switchboard and private branch exchange equipment

to telephone and telegraph companies which are under the regulation and supervision of the North Carolina Utilities Commission".

(p) By striking out the words "and use" between the words "sales" and "tax" in the seventh line of G. S. 105-164.12.

(q) By inserting between the words "of" and "wrapping" in line (4) of subsection (17) of G. S. 105-164.13 the following: "fuel used for the operation of such machinery and articles or materials used for the identification of garments being laundered or dry cleaned,".

(r) By rewriting G. S. 105-164.13 (24)d, being lines 16, 17, 18, and 19 of subsection (24) of G. S. 105-164.13, to read as follows: "d. Meals and food products served to students in dining rooms regularly operated by State or private educational institutions or student organizations thereof.".

(s) By striking out of the first and second lines of G. S. 105-164.13 (24) g the following words: "which does not advertise the sale of meals".

(t) By changing the figures "105-176" in the fourth line of G. S. 105-164.24 to "105-164.13'".

(u) By rewriting G. S. 105-164.27 to read as follows: "No retailer shall sell and no user shall use any tangible personal property under the claim that the same is exempt from the sales or use tax levied by this Article where the exemption from taxation is claimed because purchased by or for an educational, religious or charitable institution or organization not operated for profit unless such institution or organization shall have issued to it by the Commissioner an exemption certificate declaring that such institution or organization is entitled to the exemption as provided in Division III of this Article. The Commissioner is authorized to make a final determination, after hearing, if requested, as to whether any institution or organization is entitled to the benefit of an exemption certificate. The final determination of the Commissioner shall be subject to review and appeal in the same manner as provided by Sections 105-241.2, 105-241.3, and 105-241.4 of the General Statutes."

(v) By rewriting the first paragraph of subsection (1) of G. S. 105-164.4 to read as follows: "At the rate of three per cent (3%) of the sales price of each item or article of tangible personal property when sold at retail in this State, the tax to be computed on total net taxable sales as defined herein but for the purpose of computing the amount due the State each and every taxable retail sale, or retail sales upon which the tax has been collected, or the amount of tax actually collected, whichever be greater and whether or not erroneously collected, shall be included in the computation of tax due the State. Provided, however, that in the case of the sale of any airplane, or the sale of any motor vehicle, the tax shall be only at the rate of one per cent (1%) of the sales price and the maximum tax with respect to any one such airplane or motor vehicle, including all accessories attached thereto at the time of delivery thereof to the purchaser, shall be eighty dollars ($80.00)."

(w) By rewriting G. S. 105-164.11 to read as follows: "When the tax collected for any period is in excess of three per cent (3%) of the net taxable sales the total tax collected must be paid over to the Commissioner less the compensation to be allowed the retailer as hereinafter set

forth. When tax is collected for any period on exempt or nontaxable sales the tax erroneously collected shall be remitted to the Commissioner and no refund thereof shall be made to a taxpayer unless the purchaser has received credit for or has been refunded the amount of tax erroneously charged. This provision shall be construed with other provisions of this Article and given effect so as to result in the payment to the Commissioner of the total amount collected as tax if it is in excess of three per cent (3%) of net taxable sales."

(x) By inserting immediately before the word "consumer" in line four of G. S. 105-164.36 the word "registered".

(y) By striking out of lines two and three of subsection (17) of G. S. 105-164.3 the following words: "or subsequent use solely outside this State".

(aa) By rewriting subsection (19) of G. S. 105-164.3 to read as follows: "'Storage' and 'Use'-exclusion. 'Storage' and 'Use' do not include the keeping, retaining or exercising any right or power over tangible personal property for the original purpose of subsequently transporting it outside the State for use thereafter solely outside the State and which purpose is consummated, or for the purpose of being processed, fabricated, or manufactured into, attached to or incorporated into, other tangible personal property to be transported outside the State and thereafter used solely outside the State."

(bb) By inserting between the period and word "There" in line 5 of subsection (1) of G. S. 105-164.5, as same appears in the 1958 Replacement Volume 2C, a new sentence to read as follows: "Manufacturers making wholesale sales, as defined in this Article, of their own manufactured products, directly and exclusively from the place where such articles of tangible personal property are manufactured, shall not be required to obtain an annual wholesale license or to file monthly reports reflecting such sales."

(cc) By inserting a new subsection in G. S. 105-164.13 to read as follows: "(39) Sales of fuel for use or consumption by ocean-going vessels which ply the high seas in interstate or foreign commerce exclusively, when delivered directly to such vessels.

(dd) Subsection (24)f of G. S. 105-164.13 is hereby amended by inserting between the last word and the period in the first sentence the following: ", nor shall it include popped popcorn regardless of where sold".

(ee) G. S. 105-164.13(30) is hereby amended by rewriting the first two sentences thereof to read as follows:

"Sales made to the State of North Carolina or any of its subdivisions, including sales of tangible personal property to agencies of State or local government for distribution in public welfare or relief work, and sales of items of tangible personal property made to rural fire protection districts or nonprofit fire protection corporations where such items are necessary to the furnishing of fire protection in rural fire districts. Except as herein provided, this exemption shall not apply to sales made to organizations, corporations and institutions that are not governmental agencies, owned and controlled by the State or local governments."

(ff) Subsection (8) of G. S. 105-164.13 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"The term shall also include metal flues sold for use in curing tobacco, whether such flues are attached to hand-fired furnaces or used in connection with mechanical burners."

Sec. 6. Article 7 of Chapter 105 of the General Statutes, as same appears in the 1958 Replacement Volume 2C, is hereby amended as follows:

(a) By inserting in line ten of G. S. 105-201 between the word "taxpayer" and the colon the words "as of the valuation date of the accounts receivable".

(b) By striking out of lines twelve and thirteen of G. S. 105-202 the words "on December thirty-first of the same year" and inserting in lieu thereof: "as of the valuation date of the receivable evidences of debt".

Sec. 6a. Subsection (f) of Section 7 of Chapter 1340 of the Session Laws of 1957 is hereby amended by changing the period at the end of said subsection to a comma and adding the following immediately thereafter: "or collections made on or after July 1, 1959."

Sec. 7. Article 8C of Chapter 105 of the General Statutes, as the same now appears in 1958 Replacement Volume 2C, is hereby amended by rewriting G. S. 105-228.12 to read as follows:

"§ 105-228.12. Imposition of an Excise Tax. An annual excise tax is hereby levied on every bank located and doing business within this State, including each National banking association, for the privilege of transacting business in this State during the calendar year, according to or measured by its entire net income as defined herein received or accrued from all sources during the preceding calendar year hereinafter referred to as taxable year, at the rate of four and one-half per cent (4½%) of such entire net income. The minimum tax assessable to any one bank shall be ten dollars ($10.00). The liability for the tax imposed by this Section shall arise upon the last day of each preceding taxable year, and shall be based upon and measured by the entire net income of each bank or trust company for such preceding taxable year, including all income received from government securities (whether or not taxable under Article 4 of this Chapter) in such year except for any interest that may be allowed as deductible from gross income under G. S. 105-228.16; provided, that the tax herein levied shall not be collectible for any year from any bank or trust company which fails to engage in business for any part of the year for which levied. This subsection shall be effective on and after December 31, 1959, so that the excise tax for 1960 shall be measured by net incomes for the taxable year 1959 and the liability therefor shall arise on December 31, 1959. In the case of a merger of two or more banks during the preceding calendar year the tax of the resultant bank shall be measured by the entire net income of all constituent banks during such preceding calendar year. As used in this Article the words 'taxable year' shall mean the calendar year next preceding the calendar year for which and during which the excise tax is levied.

Sec. 8. Article 9 of Chapter 105 of the General Statutes, as same appears in the 1958 Replacement Volume 2C, is hereby amended as follows:

(a) By rewriting G. S. 105-236 to read as follows:

"G. S. 105-236. Penalties. Except as otherwise provided in this subchapter, and subject to the provisions of G. S. 105-237, the following penalties shall be applicable:

(1) Penalty for bad checks. When the bank upon which any uncertified check tendered to the Department of Revenue in payment of any obligation due to the Department, shall refuse payment upon such check on account of insufficient funds of the drawer in such bank, and such check shall be returned to the Department of Revenue, an additional tax shall be imposed, which additional tax shall be equal to ten per cent (10%) of the obligation for the payment of which such check was tendered: Provided, however, that in no case shall the additional tax so imposed be less than one dollar ($1.00) nor more than two hundred dollars ($200.00). Provided, further, no additional tax shall be imposed if the Commissioner or Revenue shall find that the drawer of such check, at the time it was presented to the drawee, had funds deposited to his credit in any bank of this State sufficient to pay such check, and, by inadvertence, failed to draw the check upon the bank in which he had such funds on deposit. The additional tax hereby imposed shall not be waived or diminished by the Commissioner of Revenue. This Section shall apply to all taxes levied or assessed by the State.

(2) Failure to obtain a license. For failure to obtain a license before engaging in a business, trade or profession for which a license is required, there shall be assessed an additional tax equal to five per cent (5%) of the amount prescribed for such license per month or fraction thereof until paid, which additional tax shall not exceed twenty-five per cent (25%) of the amount so prescribed, but in any event shall not be less than five dollars ($5.00).

(3) Failure to file return. In case of failure to file any return required under this subchapter on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be added to the amount required to be shown as tax on such return, as a penalty, five per cent (5%) of the amount of such tax if the failure is for not more than one month, with an additional five per cent (5%) for each additional month, or fraction thereof, during which such failure continues, not exceeding twenty-five per cent (25%) in the aggregate, or five dollars ($5.00), whichever is the greater.

(4) Failure to pay tax when due. In case of failure to pay any tax when due, without intent to evade the tax, the Commissioner may, in his discretion, assess an additional tax, as a penalty, of five per cent (5%) of the amount of the tax per month, or fraction thereof, during which such failure continues, provided that such penalty shall in no event be less than five dollars ($5.00), or more than one hundred dollars ($100.00).

(5) Negligence. For negligent failure to comply with any of the provisions of this subchapter, or rules and regulations issued pursuant

thereto, without intent to defraud, there shall be assessed, as a penalty, an additional tax of ten per cent (10%) of the deficiency due to such negligence, but in no event less than twenty-five dollars ($25.00); provided, that in the case of income tax, if gross income is understated by as much as twenty-five per cent (25%), or deductions, exclusive of personal exemptions, are overstated by as much as twenty-five per cent (25%) of gross income, or if there is a combination of understatement of gross income and overstatement of deductions, exclusive of personal exemptions, equaling twenty-five per cent (25%) of gross income, there shall be assessed, as a penalty, an additional tax equal to twenty-five per cent (25%) of the total deficiency, but in no event less than twenty-five dollars ($25.00). If a penalty is assessed under subsections (3) or (6) of this Section, no additional penalty for negligence shall be assessed with respect to the same deficiency.

(6) Fraud. If there is a deficiency or delinquency in payment of any tax levied by this subchapter, due to fraud with intent to evade the tax, there shall be assessed, as a penalty, an additional tax equal to fifty per cent (50%) of the total deficiency.

(7) Attempt to evade or defeat tax. Any person who wilfully attempts, or any person who aids or abets any other person to attempt in any manner to evade or defeat any tax imposed by this subchapter, or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars ($1,000.00), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

(8) Wilful failure to collect or pay over tax. Any person required under this subchapter to collect, account for, and pay over any tax imposed by this subchapter who wilfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars ($500.00), or by imprisonment not to exceed six (6) months, or by both such fine or imprisonment.

(9) Wilful failure to file return, supply information, or pay tax. Any person required under this subchapter to pay any tax, to make a return, to keep any records or to supply any information, who wilfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law, or regulations issued pursuant thereto, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and shall be punished by a fine not to exceed two hundred dollars ($200.00), or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment.

(10) Failure to file informational returns.—

(a) For failure to file a partnership or a fiduciary informational return when such returns are due to be filed, there shall be assessed as a tax against the delinquent five dollars ($5.00) per month or fraction thereof of such delinquency, such tax, however, in the aggregate not to exceed the

sum of twenty-five dollars ($25.00). When assessed against a fiduciary, the tax herein provided shall be paid by the fiduciary and shall not be passed on to the trust estate.

(b) For failure to file timely statements of payments to another person or persons with respect to wages, dividends, rents or interest paid to such other person or persons, there shall be assessed as a tax a penalty of one dollar ($1.00) for each statement not filed on time, the aggregate of such penalties for each tax year not to exceed one hundred dollars ($100.00), and in addition thereto, if the Commissioner shall request the payor to file such statements and shall set a date on or before which such statements shall be filed, and the payor shall fail to file such statements within such time, the amounts claimed on payor's income tax return as deductions for salaries and wages, or rents or interest shall be disallowed to the extent that the payor failed to comply with the Commissioner's request with respect to such statements."

(b) By designating all of the present Section 105-237.1 of the General Statutes as subsection (a) of said Section and by adding to said Section a new subsection to be designated subsection (b) to read as follows:

"(b) Whenever an assessment of taxes or additional taxes is based upon an action of the Federal Government in making an assessment of taxes and the Federal assessment is subsequently settled, compromised or adjusted, the Commissioner may, in his discretion, settle, compromise or adjust the State's tax assessment upon the same basis as the Federal settlement, compromise or adjustment."

(c) By adding at the end of subsection (e) of G. S. 105-241.1 the following two sentences:

"Provided, the taxpayer may make a written waiver of any of the limitations of time set out in this Section, for either a definite or indefinite time, and if such waiver is accepted by the Commissioner he may institute assessment procedures at any time within the time extended by such waiver. This proviso shall apply to assessments made or undertaken under any provision of all schedules of the Revenue Act, and to assessments under subchapter V of Chapter 105 and Chapter 18 of the General Statutes."

(d) By changing the designation of subsection (i) of G. S. 105-241.1 to subsection (j) and by inserting in said Section a new subsection (i) to read as follows:

"(i) All assessments of taxes or additional taxes (exclusive of penalties assessed thereon) shall bear interest at the rate of one-half per cent (½%) per month or fraction thereof from the time said taxes or additional taxes were due to have been paid until paid."

(e) By striking out of lines four and five of the second paragraph of G. S. 105-143 the words and figures "subsection (e) of Section 105-161" and inserting in lieu thereof the following: "G. S. 105-236".

(f) By striking out of the next to the last line of G. S. 105-156 the figures "105-159" and by inserting in lieu thereof the figures "105-241.1".

(g) By adding at the end of G. S. 105-236 a new subsection, to be designated as subsection (10), which subsection shall read as follows:

"(10) The failure to do any act required by or under the provisions of this Act, or by subchapter V of Chapter 105 or Chapter 18 of the General Statutes shall be deemed an act committed in part at the office of the Commissioner of Revenue in Raleigh. The certificate of the Commissioner of Revenue to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied, as required by or under the provisions of this Act, or by subchapter V of Chapter 105 or Chapter 18 of the General Statutes, shall be prima facie evidence that such tax has not been paid, that such return has not been filed or that such information has not been supplied."

Sec. 8A. The first paragraph of G. S. 105-258, as it appears in 1958 Replacement Volume 2C, is hereby rewritten to read as follows:

"§ 105-258. Powers of Commissioner of Revenue; who may sign and verify pleadings, legal documents, etc.—The Commissioner of Revenue, for the purpose of ascertaining the correctness of any return, making a return where none has been made, or determining the liability of any person for any tax imposed by this subchapter, or collecting any such tax, shall have the power to examine, personally, or by an agent designated by him, any books, papers, records, or other data which may be relevant or material to such inquiry, and the Commissioner may summon the person liable for the tax or required to perform the act, or any officer or employee of such person, or any person having possession, custody, care or control of books of account containing entries relevant or material to the income and expenditures of the person liable for the tax or required to perform the act, or any other person having knowledge in the premises, to appear before the Commissioner, or his agent, at a time and place named in the summons, and to produce such books, papers, records or other data, and to give such testimony under oath as may be relevant or material to such inquiry, and the Commissioner or his agent may administer oaths to such person or persons. If any person so summoned refuses to obey such summons or to give testimony when summoned, the Commissioner may apply to the Superior Court of Wake County for an order requiring such person or persons to comply with the summons of the Commissioner, and the failure to comply with such court order shall be punished as for contempt."

Sec. 9. Certain Penal Sections and Provisions Repealed. The following Sections and provisions of the General Statutes (1958 Replacement Volume 2C) are hereby repealed:

(a) G. S. 105-124.
(b) G. S. 105-126.
(c) Subsection (b) of G. S. 105-129.
(d) G. S. 105-158.
(e) G. S. 105-161.
(f) Subsections (2), (3), (4) and (5) of G. S. 105-164.35.
(g) G. S. 105-164.36.
(h) G. S. 105-164.42.
(i) G. S. 105-192.

(j) G. S. 105-207.
(k) G. S. 105-208.

Sec. 9B. G. S. 105-44, 1958 Replacement Volume 2C, is amended by adding a new subsection at the end thereof to be designated as subsection "(e)" and to read as follows:

"(e) The operator of any truck, automobile, or other motor vehicle coming into this State from another state and selling and/or delivering coal or coke, other than to a person, firm, or corporation taxed under this Section, shall pay an annual license tax for the privilege of doing business in this State in cities or towns of less than 2,500 population, ten dollars ($10.00); in cities or towns of 2,500 and less than 5,000 population, fifteen dollars ($15.00); in cities or towns of 5,000 and less than 10,000 population, twenty-five dollars ($25.00); in cities or towns of 10,000 and less than 25,000 population, fifty dollars ($50.00); in cities and towns of 25,000 and over, seventy-five dollars ($75.00). The license secured from the State under this Section shall be conspicuously posted within the truck, automobile, or other motor vehicle. This license tax shall be in addition to all other taxes and fees imposed upon such persons by law."

Sec. 9C. G. S. 105-89(c)(4), as the same appears in Volume 2C of the General Statutes, 1958 Replacement, is hereby amended by striking out the word "new" immediately following the word "licensed" in Line 2.

Sec. 9D. G. S. 105-89(c)(4), as the same appears in Volume 2C of the General Statutes, 1958 Replacement, is further amended by striking out the word "new" immediately following the word "such" in Line 4.

Sec. 9E. G. S. 105-89(c)(4), as the same appears in Volume 2C General Statutes, 1958 Replacement Volume, is further amended by striking from the first line thereof the word "used".

Sec. 9F. Subsection (a) of G. S. 105-36.1 is hereby amended by striking out all of the words and figures between the words "town of" in line 8 and "In addition" in line 17 and by inserting in lieu thereof the following:

	Car Capacity Up to 150	Car Capacity 150 to 300	Car Capacity 300 to 500	Car Capacity 500 or over
less than 3,000 pop	$ .67 per car	$ .74 per car	$ .80 per car	$ .87 per car
3,000 to 5,000 pop.	.74 per car	.80 per car	.87 per car	.94 per car
5,000 to 10,000 pop.	.80 per car	.87 per car	.94 per car	1.00 per car
10,000 to 20,000 pop.	.87 per car	.94 per car	1.00 per car	1.07 per car
20,000 to 40,000 pop.	.94 per car	1.00 per car	1.07 per car	1.17 per car
40,000 and over	1.00 per car	1.07 per car	1.17 per car	1.34 per car

Sec. 9G. Subsection (a) of G. S. 105.37 is hereby amended by rewriting the schedule of State license taxes set forth therein to read as follows:

	Seating Capacity up to 600 Seats	Seating Capacity of 600 to 1200 Seats	Seating Capacity over 1200 Seats
In cities or towns of less than 1,500 population	$ 83.34	$ 100.00	$ 133.34
In cities or towns of 1,500 and less than 3,000 population ...	133.34	166.67	200.00
In cities or towns of 3,000 and less than 5,000 population ..	166.67	200.00	266.67
In cities or towns of 5,000 and less than 10,000 population ..	233.34	266.67	400.00
In cities or towns of 10,000 and less than 15,000 population ..	266.67	400.00	533.34
In cities or towns of 15,000 and less than 25,000 population ..	333.34	533.34	666.67
In cities or towns of 25,000 and less than 40,000 population ..	400.00	666.67	1,000.00
In cities or towns of 40,000 population or over	533.34	1,000.00	1,666.67

Sec. 10. G. S. 105-194 is hereby rewritten to read as follows:

"Death of donor within three (3) years; time of assessment. Where a donor dies within three (3) years after filing a return, gift taxes may be assessed at any time within said three (3) years, or on or before the date of final settlement of donor's State inheritance taxes, whichever is later."

Sec. 11. Notwithstanding any express repeal contained in this Act or any repeal implied from its terms and provisions, the existing revenue laws of the State shall be and continue in full force and effect with respect to all acts and transactions done or occurring prior to July 1, 1959, affected or which ought to be affected by their terms and provisions, and with respect to all liabilities, criminal as well as civil, incurred or which ought to have been incurred with respect to said acts and transactions done or occurring prior to July 1, 1959. With respect to those portions of the existing revenue laws of the State affected by provisions of this Act as of a time other than July 1, 1959, such affected portions shall continue in full force and effect in the same manner for acts and transactions done or occurring prior to the time when such portions are affected by such provisions of this Act.

Sec. 11A. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 12. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 13. Effective dates. Sections 1 and 2 of this Act shall be in full force and effect on and after January 1, 1960; Section 4 shall be in full force and effect with respect to income years beginning on and after

January 1, 1959; Section 7 shall be in full force and effect on and after December 31, 1959; Section 11 shall be in full force and effect on and after ratification. Sections 9B through 9G shall be in full force and effect on and after June 1, 1959. Except as herein provided, this Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 142 CHAPTER 1260

AN ACT TO AMEND CHAPTER 1100 OF THE SESSION LAWS OF 1951 RELATING TO APPROPRIATION OF FUNDS NECESSARY TO PAY THE STATE'S PROPORTION OF COSTS OF THE ATLANTIC STATES MARINE FISHERIES.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1100 of the Session Laws of 1951 is amended by striking out in lines 1 and 2 of said Section the words and figures "One Thousand Dollars ($1,000.00)" and inserting in lieu thereof the words and figures "Fifteen Hundred Dollars ($1500.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 232 CHAPTER 1261

AN ACT TO REIMBURSE J. W. ELLIS FOR PERSONAL EXPENSES AND OBLIGATIONS INCURRED IN CONNECTION WITH AN INCIDENT WHILE CARRYING OUT HIS DUTIES AS AN EMPLOYEE OF THE WILDLIFE RESOURCES COMMISSION.

WHEREAS, J. W. Ellis, Wildlife Protector employed by the North Carolina Wildlife Resources Commission, was accused, indicted, tried three times and ultimately acquitted of homicide in connection with the death of one Charles Young on April 5, 1954; and

WHEREAS, J. W. Ellis suffered three trials for homicide in the Superior Court and was forced to appeal twice to the North Carolina Supreme Court before being finally acquitted of the charges and freed at the third trial; and

WHEREAS, J. W. Ellis was compelled to defend himself at these trials and in so doing incurred costs, expenses and obligations which he, himself, paid; and

WHEREAS, there is no means by which this State employee can recover for the expenses incurred personally by him in defending himself against charges brought against him for acts done in the performance of his duties as a State employee; and

WHEREAS, it is deemed equitable and proper that the State of North Carolina should reimburse the said J. W. Ellis for the actual expenses incurred in defending himself for the charges aforesaid, of which he was acquitted and freed by a jury; and

WHEREAS, the State of North Carolina has in the past reimbursed State employees for costs incurred by them in defending themselves against indictments or charges brought against them as State employees in the performance of their duties as State employees, and which State employees were exonerated of the charges: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The State of North Carolina Wildlife Resources Commission is hereby empowered and directed to pay to J. W. Ellis out of the funds of the Wildlife Resources Commission a sum not in excess of five thousand dollars ($5.000.00) toward reimbursement for actual expenses incurred by him during the period April 5, 1954 to July 18, 1957, in connection with the charges of homicide growing out of the performance of his duties on April 5, 1954 as a Wildlife Protector.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 294 CHAPTER 1262

AN ACT TO PROVIDE AID TO THE HIGHLANDS BIOLOGICAL STATION, INCORPORATED.

WHEREAS, The Highlands Biological Station, Incorporated, is a nonprofit, regional biological station, organized for the purpose of providing training in the biological sciences of both animal and plant life; and

WHEREAS, the University of North Carolina, North Carolina State College, and Duke University are among the southern institutions which maintain subscribing membership in the Station; and

WHEREAS, college and university campuses cannot provide the area for field and many types of research projects in biological sciences; and

WHEREAS, an earnest appeal has been made to the station by the subscribing member colleges and universities to expand the facilities and services of the station; and

WHEREAS, a number of graduate students and their professors and high school biology teachers and their students in this State use the facilities offered by the station for institutional purposes and field trips; and

WHEREAS, certain basic needs of training in the biological sciences could be met by the institutions of higher learning by taking advantage of the distinctive character and location of The Highlands Biological Station; and

WHEREAS, the Highlands area offers more opportunities than most areas for the student of historical biological study; and

WHEREAS, the Highlands area is rich with flora and fauna for systematic work in floristic and faunistic studies; and

WHEREAS, through contributions from lay members of the station and grants-in-aid from the National Science Foundation, it has been possible to partially meet the growing needs of the biological station; and

WHEREAS, the group-supporting colleges, universities and lay members cannot substantially increase their contributions for the continued maintenance of the station as a biological research institution for colleges, universities, and other students of the biological sciences; and

WHEREAS, additional funds are urgently needed for laboratory equipment, additional housing, maintenance and operational cost, and payment of salary for an executive director of the biological station for a period of two years; and

WHEREAS, the attainment of the objectives of the development program would mean much to the State of North Carolina by acquainting scientists, students and others with the unique research opportunities which exist in the western part of this State, and would greatly improve the educational structure with regard to advanced scientific training; and

WHEREAS, the development of the biological station and its use throughout the years would be of great economic importance to this area in the western part of this State: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State to The Highlands Biological Station, Incorporated, the sum of seven thousand five hundred dollars ($7,500.00), to be used by such biological station for operating expenses, necessary laboratory equipment, additional housing, salary for an executive director for a two-year period, and to otherwise provide for the continuation of the program of training and study in biological science now being administered by The Highlands Biological Station.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 329 CHAPTER 1263

AN ACT TO AMEND G. S. 135-1 SO AS TO MAKE CERTAIN EMPLOYEES OF THE NATIONAL GUARD ELIGIBLE FOR MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 135-1 is hereby amended by adding the following sentence at the end of the paragraph designated therein as "4":

" 'Employee' shall also mean every full-time civilian employee of the Army National Guard and Air National Guard of this State who is em-

ployed pursuant to Section 709 of Title 32 of the United States Code and paid from Federal appropriated funds, but held by the Federal authorities not to be a Federal employee: Provided, however, that the authority or agency paying the salaries of such employees shall deduct or cause to be deducted from each employee's salary the employee's contribution in accordance with applicable provisions of G. S. 135-8 and remit the same, either directly or indirectly, to the Retirement System; coverage of employees described in this sentence shall commence upon the first day of the calendar year or fiscal year, whichever is earlier, next following the date of execution of an agreement between the Secretary of Defense of the United States and the Adjutant General of the State acting for the Governor in behalf of the State, but no credits shall be allowed pursuant to this sentence for any service previously rendered in the above-described capacity as a civilian employee of the National Guard."

Sec. 1½. The provisions of Section 1 of this Act shall not become effective until such time as Federal contributions are made available to the Adjutant General of the State acting for the Governor in behalf of the State for the employers' contribution as required under the applicable provisions of G. S. 135-8, or until State funds for such purposes are made available.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 447 CHAPTER 1264

AN ACT TO AMEND VARIOUS SECTIONS OF CHAPTER 20 OF THE GENERAL STATUTES ENTITLED MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-139 is hereby rewritten to read as follows:

"It shall be unlawful for any person, whether licensed or not, who is a habitual user of narcotic drugs or who is under the influence of intoxicating liquor or narcotic drugs, to operate a motor vehicle over any drive, driveway, road, roadway, street, or alley upon the grounds and premises of any public or private hospital, college, university, school, orphanage, church, or any of the institutions maintained and supported by the State of North Carolina, or any of its subdivisions, or upon the grounds and premises of any service station, drive-in theater, supermarket, store, restaurant or office building, or any other business or municipal establishment providing parking space for customers, patrons, or the public. Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in § 20-179."

Sec. 1.5. G. S. 20-38, subsection (q) (2), is hereby amended by striking out the words "seven-passenger" in line 3 thereof and inserting in lieu thereof the words "nine-passenger".

Sec. 2. G. S. 20-71 is hereby rewritten to read as follows:

"§ 20-71. Altering or Forging Certificate of Title, Registration Card or Application; a Felony. Any person who, with fraudulent intent, shall alter any certificate of title, registration card issued by the Department, or any application for a certificate of title or registration card, or forge or counterfeit any certificate of title or registration card purported to have been issued by the Department under the provisions of this Article, or who, with fraudulent intent, shall alter, falsify or forge any assignment thereof, or who shall hold or use any such certificate, registration card, or application, or assignment, knowing the same to have been altered, forged or falsified, shall be guilty of a felony and upon conviction thereof shall be punished in the discretion of the court."

Sec. 3. G. S. 20-77(d) is hereby amended by adding a new subdivision, to be designated subdivision 5, at the end of subsection (d) and to read as follows:

"5. An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed for thirty (30) days, shall within five (5) days after the expiration of that period, report the vehicle as unclaimed to the Department.

"A vehicle left by any person whose name and address are known to, or are furnished from a reliable method of identification to, the operator or his employee is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance with this Section forfeits all liens for storage, and, in addition thereto, the failure to make the report required by this Section shall constitute a misdemeanor punishable by a fine not to exceed fifty dollars ($50.00) or thirty (30) days imprisonment, or both, in the discretion of the court."

Sec. 3.5. G. S. 20-79(b) is hereby amended by striking out the words "forty-eight" in line 20 thereof and inserting in lieu thereof the words "ninety-six".

Sec. 4. G. S. 20-16.1, as the same now appears in the 1957 Cumulative Supplement to Volume 1C of the General Statutes, is hereby amended by striking out the first sentence thereof and substituting therefor the following:

"Notwithstanding any other provisions of this Article, the Department shall suspend for a period of thirty days the license of any operator or chauffeur without preliminary hearing on receiving a record of such operator's or chauffeur's conviction of having violated the laws against speeding by exceeding by more than fifteen miles per hour the speed limit established under G. S. 20-218 or paragraphs 3, 4 or 5 of subsection (b) of G. S. 20-141, or on receiving a record of conviction for speeding within the corporate limits of any city or town where such operator or chauffeur exceeded a speed of fifty-five miles per hour, or a speed of sixty miles per hour if such higher limit was posted and in effect."

Sec. 5. G. S. 20-96, as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting following the words "registration plates" and preceding the words "is hereby" in line 18 thereof the following: ", or the owner of which is liable for any

overload penalties or assessments applicable to the vehicle and due and unpaid for more than thirty (30) days,"; and by rewriting the last sentence thereof to read as follows:

"When any property hauling vehicle is seized, held, unloaded or partially unloaded under this provision, the load or any part thereof shall be cared for by the owner or operator of the vehicle without any liability on the part of the officer or of the State or any municipality because of damage to or loss of such load or any part thereof."

Sec. 6. G. S. 20-118(e), as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting following the words and letters "subsections (c) or (d)" and preceding the words "the owner" in line 1 thereof the following:

", or for each violation of the maximum axle weight limits established by the State Highway Commission in connection with light-traffic roads,".

Sec. 7. G. S. 20-127(b), as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby rewritten to read as follows:

"(b) No motor vehicle which is equipped with a permanent windshield shall be operated upon the highways unless said windshield is equipped with a device for cleaning snow, rain, moisture, or other matters from the windshield directly in front of the operator, which device shall be in good working order and so constructed as to be controlled or operated by the operator of the vehicle. The device required by this subsection shall be of a type approved by the Commissioner."

Sec. 8. G. S. 20-140, as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby rewritten to read as follows:

"§ 20-140. Reckless Driving. (a) Any person who drives any vehicle upon a highway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others shall be guilty of reckless driving.

"(b) Any person who drives any vehicle upon a highway without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving.

"(c) Any person convicted of reckless driving shall be punished by imprisonment not to exceed six months or by a fine, not to exceed five hundred dollars ($500.00) or by both such imprisonment and fine, in the discretion of the court."

Sec. 9. G. S. 20-134 is hereby amended by inserting the words "or amber" in line 4 thereof following the words "projecting a white".

Sec. 10. G. S. 20-141(b)(3), as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby rewritten to read as follows:

"(3) Forty-five miles per hour in places other than those named in paragraphs 1 and 2 of this subsection for:

a. All vehicles other than passenger cars, regular passenger vehicles, pick-up trucks of less than one-ton capacity, and school busses loaded with children; and

b. All vehicles, of whatever kind, which are engaged in towing, drawing, or pushing another vehicle;".

Sec. 11. G. S. 20-38, subsection (q) (5), is hereby amended by adding a new sentence at the end of said subsection to read as follows: "Provided, further that passenger vehicles leased or rented to public school authorities for the purpose of driver-training instruction shall not be included in this designation."

Sec. 11A. G. S. 20-19, as the same now appears in the 1957 Cumulative Supplement to Volume 1C of the General Statutes, is hereby amended by inserting in subsection (d) thereof immediately following the comma appearing in line 2 of said subsection the following:
"occurring within three years after a prior conviction,"; subsection (e) of G. S. 20-19 is hereby amended by inserting in the second line thereof immediately following the comma therein the following: "occurring within five years after a prior conviction,".

Sec. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. Section 11 of this Act shall be effective from and after ratification. Except as hereinbefore provided, this Act shall become effective October 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 471 CHAPTER 1265

AN ACT TO AUTHORIZE THE ATTORNEY GENERAL TO APPOINT AN ADDITIONAL ASSISTANT ATTORNEY GENERAL.

WHEREAS, the volume of litigation in which the Attorney General represents the State and its agencies has greatly increased; and

WHEREAS, the volume of all other legal services the Attorney General is called upon to perform has greatly increased: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Attorney General is authorized to appoint an Assistant Attorney General in addition to those now provided by law, who shall be subject to the general provisions of the statutes relating to assistant attorneys general.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 481 **CHAPTER 1266**

AN ACT APPROPRIATING TO THE MOORE'S CREEK BATTLEGROUND ASSOCIATION THE SUM OF FIVE HUNDRED DOLLARS FOR EACH YEAR OF THE BIENNIUM FOR THE CELEBRATION OF THE BATTLE OF MOORE'S CREEK BRIDGE.

The General Assembly of North Carolina do enact:

Section 1. That there is hereby appropriated to the Moore's Creek Battleground Association the sum of five hundred dollars ($500.00) for each year of the 1959-61 biennium for the celebration of the Battle of Moore's Creek Bridge. Said funds shall be paid over by the Treasurer of the State of North Carolina to the bonded Treasurer of the Moore's Creek Battleground Association and expended by him under the orders of the Directors of said Battleground Association.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 540 **CHAPTER 1267**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CARTERET COUNTY TO FIX FEES CHARGED BY COUNTY OFFICIALS AND TO FIX THE NUMBER OF SALARIED COUNTY EMPLOYEES AND THE COMPENSATION OF COUNTY OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of subsection 12a of G. S. 153-9, as it appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by inserting between the word "Camden" and the word "Columbus", in line two of said paragraph, the word "Carteret".

Sec. 2. G. S. 153-48.5, as it appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, is amended by inserting between the word "Caldwell" and the word "Chatham", in line three of said Section, the word "Carteret".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 563

CHAPTER 1268

AN ACT TO CLARIFY AND AMEND THE WORKMEN'S COMPENSATION ACT AS IT RELATES TO THE APPROVAL OF ATTORNEYS' FEES.

The General Assembly of North Carolina do enact:

Section 1. That Article 1 of Chapter 97 of the General Statutes be amended by adding a new paragraph to Section 90 thereof as follows:

"(c) If an attorney has an agreement for fee or compensation under this Article, he shall file a copy or memorandum thereof with the hearing officer or Commission prior to the conclusion of the hearing. If the agreement is not considered unreasonable, the hearing officer or Commission shall approve it at the time of rendering decision. If the agreement is found to be unreasonable by the hearing officer or Commission, the reasons therefor shall be given and what is considered to be a reasonable fee allowed. If within five (5) days after receipt of notice of such fee allowance, the attorney shall file notice of appeal to the full Commission, the full Commission shall hear the matter and determine whether or not the attorney's agreement as to a fee or the fee allowed is unreasonable. If the full Commission is of the opinion that such agreement or fee allowance is unreasonable and so finds, then the attorney may, by filing written notice of appeal within ten (10) days after receipt of such action by the full Commission, appeal to the Resident Judge of the Superior Court or the Judge holding the Courts of the District of or in the county in which the cause of action arose or in which the claimant resides; and upon such appeal said Judge shall consider the matter and determine in his discretion the reasonableness of said agreement or fix the fee and direct an order to the Commission following his determination therein. The Commission shall, within twenty (20) days after receipt of notice of appeal from its action concerning said agreement or allowance, transmit its findings and reasons as to its action concerning such agreement or allowance to the Judge of the Superior Court designated in the notice of appeal. In all other cases where there is no agreement for fee or compensation, the attorney or claimant may, by filing written notice of appeal within five (5) days after receipt of notice of action of the full Commission with respect to attorneys' fees, appeal to the Resident Judge of the Superior Court or the Judge holding the Courts of the District of the county in which the cause arose or in which the claimant resides; and upon such appeal said Judge shall consider the matter of such fee and determine in his discretion the attorneys' fees to be allowed in the cause. The Commission shall, within twenty (20) days after notice of appeal has been filed, transmit its findings and reasons as to its action concerning such fee or compensation to the Judge of the Superior Court designated in the notice of appeal; provided that the Commission shall in no event have any jurisdiction over any attorneys' fees in any third-party action."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959, and shall apply only to causes arising on or after July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 703 CHAPTER 1269

AN ACT TO APPROPRIATE TO THE DEPARTMENT OF AGRICULTURE SUFFICIENT FUNDS TO ESTABLISH A SWINE DIAGNOSTIC CENTER IN LENOIR COUNTY.

WHEREAS, agricultural diversification is and will be essential to the agricultural life of North Carolina; and

WHEREAS, production of swine in Eastern North Carolina has risen to become a major industry; and

WHEREAS, complete facilities for the diagnosis of the diseases of swine are not available throughout the State: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. In addition to all other appropriations made at the 1959 Session of the General Assembly, there is hereby appropriated to the Department of Agriculture, out of the general fund of the State, the sum of thirty thousand dollars ($30,000.00) for the fiscal year beginning July 1, 1959, and ending June 30, 1960, and the sum of fifteen thousand dollars ($15,000.00) for the fiscal year beginning July 1, 1960, and ending June 30, 1961, to be expended for the erection of a modern, fully equipped swine diagnostic center in or near the City of Kinston in Lenoir County, on land to be donated by the Swine Breeders of Lenoir County, to provide for the operation of such center on a twenty-four hour, seven days per week basis, and to provide for the employment and salary of a qualified pathologist in diseases of swine and such other personnel as may be necessary for the operation of the center.

Sec. 2. The land and building to be used in the operation of the laboratory shall be provided by Lenoir County or by any of the political subdivisions of said county.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 715 CHAPTER 1270

AN ACT TO AMEND CHAPTER 1105 OF THE SESSION LAWS OF 1955 RELATING TO THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1105 of the Session Laws of 1955 is amended by adding at the end thereof the following:

"In addition to the fees provided for in this Section, the Clerk of the Superior Court of Mitchell County shall receive a salary of one hundred and fifty dollars ($150.00) per month, payable out of the general fund of said county."

Sec. 2. This Act shall be in full force and effect from and after July 1, 1959.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 755 CHAPTER 1271

AN ACT TO PROVIDE FOR REGISTRATION OF SANITARIANS FOR THE PROTECTION OF THE PUBLIC HEALTH.

The General Assembly of North Carolina do enact:

Section 1. Definitions. (a) For the purpose of this Act, "Sanitarian" means a person who is qualified by education and experience in the biological and sanitary sciences to engage in the promotion and protection of the public health by the application of technical knowledge to solve problems of a sanitary nature and the development of methods for the control of man's environment for the protection of health, safety, and well-being.

(b) For the purpose of this Act, "Board" means the State Board of Sanitarian Examiners.

Sec. 2. State Board of Sanitarian Examiners; Appointment; Term of Office. In order to provide for the effective promotion of public health and the proper protection of life and property by those qualified in biological and sanitary sciences, there is hereby created a State Board of Sanitarian Examiners. The Board shall consist of the State Health Director, or his duly authorized representative; the Dean of the School of Public Health, University of North Carolina, or his duly authorized representative; the Director of the Division of Sanitary Engineering, State Board of Health; and, four sanitarians, one local health director, and one public-spirited citizen to be appointed by the Governor. Prior to January 1, 1960, the Governor shall appoint one sanitarian for a term of one year; one sanitarian for a term of two years; one sanitarian and one local health director for a term of three years; and, one sanitarian and one public-spirited citizen for a term of four years. Thereafter, as the term of an appointed member expires, or as a vacancy in the appointed membership occurs for any reason, the Governor shall appoint a successor for a term of four years, or for the remainder of the unexpired term, as the case may be.

The sanitarians appointed by the Governor must be registered sanitarians under the provisions of this Act; provided, however, that this requirement shall not apply to members of the original Board during their initial terms of office.

Sec. 3. Compensation of Members; Expenses; Employees. Members of the Board shall receive ten dollars ($10.00) per day for each day actually spent in the performance of duties required by this Act, plus actual travel expense. The Board may employ necessary personnel for the performance of its functions, and fix the compensation therefor, within the limits of funds available to the Board. The total expense of the administration of this Act shall not exceed the total income therefrom; and none of the expenses of said Board or the compensation or expenses of any officer thereof or any employee shall ever be paid or payable out of the treasury of the State of North Carolina; and neither the Board nor any officer or employee thereof shall have any power or authority to make or incur any expense, debt, or other financial obligation binding upon the State of North Carolina.

Sec. 4. Election of Officers; Meetings; Regulations. The Board shall annually elect a chairman from among its membership. The Board shall meet annually in the City of Raleigh, at a time set by the Board, and it may hold additional meetings and conduct business at any place in the State. Five members of the Board shall constitute a quorum to do business. The Board may designate any member to conduct any proceeding, hearing, or investigation necessary to its purposes, but any final action requires a quorum of the Board. The Board is authorized to adopt such rules and regulations as may be necessary for the efficient operation of the Board. The Board shall have an official seal and each member shall be empowered to administer oaths in the taking of testimony upon any matters pertaining to the functions of the Board. Membership on the Board of any public employee shall not constitute dual office holding but merely additional duties of such employee.

Sec. 5. Reports. The Board shall file such reports as are required by Chapter 93B of the General Statutes of North Carolina.

Sec. 6. Examination and Certification. (a) The Board shall issue a certificate as a registered sanitarian to any applicant who pays a fee set by the Board but not to exceed twenty dollars ($20.00), who passes an examination to the satisfaction of the Board, and who submits evidence verified by oath and satisfactory to the Board that he:

(1) Is at least twenty-one years of age;

(2) is of good moral character;

(3) is a citizen of the United States, or has legally declared his intentions of becoming one;

(4) has received a degree from a four-year educational institution rated as acceptable by the Board as provided in Section 7 of this Act, with a major in biological and/or physical sciences; and

(5) has had at least three years' experience under the supervision of a registered sanitarian or under other equivalent supervision, in the field of environmental sanitation, or at least two years of such experience in the field of environmental sanitation plus one year of graduate study in sanitary science.

(b) The examination required by subsection (a) of this Section shall be in a form prescribed by the Board, and may be oral, written, or both.

The examination for unlicensed applicants shall be held annually, or more frequently as the Board may by rule prescribe, at a time and place to be determined by the Board. Persons failing to pass the examination shall be refunded one-half of the examination fee. Failure to pass an examination shall not prohibit such person from being examined at a subsequent time.

Sec. 7. Rating of Educational Institutions. For the purpose of determining the qualifications of applicants for certification and registration under this Act, the Board may accept the ratings of educational institutions as issued by accrediting bodies acceptable to the Board.

Sec. 8. Certification and Registration of Persons Performing Sanitarian Functions on Effective Date of Act. Any person who, within six months after the effective date of this Act, submits to the Board under oath evidence satisfactory to the Board that he was performing functions as a sanitarian (as defined in Section 1 of this Act) on the effective date of this Act, shall be certified as a registered sanitarian upon the payment of a fee of not more than ten dollars ($10.00) as determined by the Board. The provisions of this Section shall not apply to persons performing functions as a sanitarian's aide (as defined by the North Carolina Merit System Council) on the effective date of this Act.

Sec. 9. Certification and Registration of Sanitarian Certified in other States. The Board may, without examination, grant a certificate as a registered sanitarian to any person who, at the time of application, is certified as a registered sanitarian by a similar board of another state, district or territory whose standards are acceptable to the Board but not lower than those required by this Act. A fee of not more than twenty dollars ($20.00), as determined by the Board, must be paid by the applicant to the Board for the issuance of a certificate under the provisions of this Section.

Sec. 10. Renewal of Certificates. (a) A certificate as a registered sanitarian issued pursuant to the provisions of this Act must be renewed annually on or before the first day of January. Each application for renewal must be accompanied by a renewal fee to be determined by the Board, but not to exceed ten dollars ($10.00). The Board is authorized to charge an extra two-dollar late renewal fee for renewals made after the first day of January of each year.

(b) Any person who fails to renew his certificate for a period of two consecutive years may be required by the Board to take and pass the same examination as unlicensed applicants before allowing such person to renew his certificate.

Sec. 11. Suspension and Revocation of Certificates. (a) The Board shall have the power to refuse to grant, or may suspend or revoke, any certificate issued under the provisions of this Act for any of the causes hereafter enumerated:

(1) conviction of a felony;

(2) fraud, deceit, or perjury in obtaining registration under the provisions of this Act;

(3) habitual use of morphine, opium, cocaine, or any drug having a similar effect;

(4) habitual drunkenness;

(5) defrauding the public or attempting to do so; or

(6) failing, for a period of more than six months after the renewal date, to renew his certificate, and has continued during that period to represent himself as a registered sanitarian.

(b) The procedure to be followed by the Board when it contemplates refusing to allow an applicant to take an examination, or to revoke or suspend a certificate issued under the provisions of this Act, shall be in accordance with the provision of Chapter 150 of the General Statutes of North Carolina.

Sec. 12. Representing Oneself as Registered Sanitarian Without Certificate Prohibited. No person shall offer his service as a registered sanitarian or use, assume or advertise in any way any title or description tending to convey the impression that he is a registered sanitarian unless he is the holder of a current certificate of registration issued by the Board. A holder of a current certificate of registration may append to his name the letters, "R. S.".

Sec. 13. Violations; Penalty; Injunction. It shall be unlawful for any person to represent himself as a registered sanitarian without being duly registered and the holder of a currently valid certificate of registration issued by the Board. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and punishable in the discretion of the court. The Board is authorized to apply to any Judge of the Superior Court for an injunction in order to prevent any violation or threatened violation of the provisions of this Act.

Sec. 14. Separability Clause. If any part of this Act is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remaining portions of the Act.

Sec. 15. Repealing Clause. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 16. Effective Date. This Act shall be in full force and effect from and after January 1, 1960.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 767 CHAPTER 1272

AN ACT TO PROVIDE AID TO THE BREVARD MUSIC FOUNDATION, INCORPORATED.

WHEREAS, the Brevard Music Foundation, Incorporated, is a nonprofit educational institution organized for the purpose of providing musical training to boys and girls of this State; and

WHEREAS, the Brevard Music Foundation is the parent organization which operates the Transylvania Music Camp and the Brevard Music Festival; and

WHEREAS, the operation of the Transylvania Music Camp, and in particular the operation of the Brevard Music Festival, have brought much favorable publicity to the State of North Carolina; and

WHEREAS, it is contemplated that the Brevard Music Festival will be broadcast over three national networks during the coming summer and some portion of the activities of the camp will be televised during the summer; and

WHEREAS, the Brevard Music Foundation, Incorporated, is in need of funds to be used for continuing the program of such Foundation, and for other operating expenses: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State to the Brevard Music Foundation, Incorporated, the sum of seven thousand five hundred dollars ($7,500.00) to be used by such Foundation for operating expenses and to otherwise provide for the continuation of the program of musical training now being administered by such Foundation.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 785 CHAPTER 1273

AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND TO THE NORTH CAROLINA FIREMEN'S PENSION FUND.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State to the North Carolina Firemen's Pension Fund for the two fiscal years ending June 30, 1960 and June 30, 1961, respectively, and for the purposes shown, the amounts set forth in the following schedule:

	1959-60	1960-61
Administrative Expenses	$ 19,840	$ 18,448
State Contributions	235,000	235,000

Sec. 1½. The appropriations herein provided are hereby declared to be maximum, conditional and proportionate appropriations, the purpose being to make the appropriations payable in full in the amounts named herein if necessary and then only in the event that such total amounts in any one fiscal year shall not exceed an amount equal to 1% of the amounts collected by insurance companies doing business in North Carolina on contracts of insurance (exclusive of marine and automobile insurance) applicable to fire and lightning coverage within protected areas in North Carolina in the preceding calendar year as certified to the Director of the Budget by the Commissioner of Insurance; otherwise the said appropriations shall be deemed to be payable in such proportion as the total sum of all appropriations provided herein bears to an amount equal to 1% of said amounts so collected on said contracts of insurance as aforesaid. To

this end, the Director of the Budget is hereby given full power and authority, by and with the advice and consent of a majority of the Advisory Budget Commission, to declare and determine the amounts that can be, during each quarter of each of the fiscal years during the biennium, properly allocated to each respective appropriation.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after date of ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 801 CHAPTER 1274

AN ACT TO AMEND G. S. 46-14 RELATING TO JUDGMENTS RENDERED IN PARTITION PROCEEDINGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 46-14, as the same appears in Volume 2A of the General Statutes, is hereby rewritten to read as follows:

"G. S. 46-14. Judgments in partition of remainders binding on parties thereto. Where land is conveyed by deed, or devised by will, upon contingent remainder, executory devise, or other limitation, any judgment of partition rendered in an action or special proceeding in the Superior Court authorizing a division or partitition of said lands, and to which the life tenant or tenants, and all other persons then in being, or not in being, take such land as if the contingency had then happened, are parties, and those unborn being duly represented by guardian ad litem, such judgment of partition authorizing division or partition of said lands among the respective tenants and remaindermen or executory devisees, will be valid and binding upon all parties thereto and upon all other persons not then in being."

Sec. 2. All judgments of partition heretofore rendered by the Superior Court under the provisions of G. S. 46-14 prior to the ratification of this Act are hereby ratified, confirmed and validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 805 CHAPTER 1275

AN ACT TO APPROPRIATE TO STATE COLLEGE SUFFICIENT FUNDS WITH WHICH TO ESTABLISH A SWINE EVALUATION STATION.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other appropriations made at the 1959 Session of the General Assembly, there is hereby appropriated to the

State College of Agriculture and Engineering, out of the general fund of the State, the sum of twenty-five thousand dollars ($25,000.00) for the fiscal year beginning July 1, 1959, and ending June 30, 1960, to be expended by State College for the erection of a building to be used as a swine evaluation station.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 819 CHAPTER 1276

AN ACT TO MAKE AN APPROPRIATION TO CONSTRUCT A STATE OFFICE BUILDING TO HOUSE THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE NORTH CAROLINA PUBLIC EMPLOYEES' SOCIAL SECURITY AGENCY, AND OTHER DEPARTMENTS AND AGENCIES.

WHEREAS, the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, and the North Carolina Public Employees' Social Security Agency are now crowded into the fourth floor of the Caswell Building with a total area of less than 10,000 square feet; and

WHEREAS, sixty-eight full-time employees work in this space; and

WHEREAS, hallways and corridors are utilized for working purposes; and

WHEREAS, additional counties, cities and towns continue to join the Local Governmental Employees' Retirement System; and

WHEREAS, the Social Security activities on behalf of State employees and local governmental units countinue to expand; and

WHEREAS, the volume of necessary records relating to active cases will continue to grow at a rapid rate; and

WHEREAS, it is essential for efficient operation that the activities of the three departments be operated or conducted at a single location; and

WHEREAS, adequate space for such is not currently available in any other State building in Raleigh: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the Department of Administration out of the General Fund of the State the sum of forty thousand dollars ($40,000.00) to be expended for the construction of additional quarters to provide space for the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, and the North Carolina Public Employees' Social Security Agency.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 872 CHAPTER 1277

AN ACT TO AMEND THE VEHICLE FINANCIAL RESPONSIBILITY ACT OF 1957.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-309, as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by adding at the end thereof a new paragraph to read as follows:

"Notwithstanding any other provisions of this Article, the Commissioner of Motor Vehicles shall have the power and authority to require, when he deems it necessary, the actual presentation of a new or current certificate of insurance by each person or firm registering a self-propelled motor vehicle in North Carolina at the time of registration during any registration year designated in advance by the Commissioner."

Sec. 2. G. S. 20-311, as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby rewritten to read as follows:

"The Department of Motor Vehicles, upon receipt of evidence that proof of financial responsibility for any motor vehicle registered in this State is no longer in effect, shall revoke the registration of such vehicle. Such vehicle shall not again be registered until proof of financial responsibility for said motor vehicle is presented to the Department and the appropriate fees for a new registration of the vehicle have been paid."

Sec. 3. G. S. 20-313, as the same is found in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting following the words "vehicle registered" and preceding the words "in this State" in line 2 thereof the words "or required to be registered".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective from and after the date of ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 921 CHAPTER 1278

AN ACT TO TRANSFER CERTAIN CAPITAL IMPROVEMENT FUNDS FROM THE GOLDSBORO TRAINING SCHOOL TO THE STATE HOSPITAL AT GOLDSBORO.

The General Assembly of North Carolina do enact:

Section 1. Item No. 3 entitled "Staff housing—one dormitory and equipment ..... $175,000.00", under the heading "Goldsboro Training School" of Section 8 of Chapter 1341, Session Laws of 1957, as the same

appears on page 1438 thereof, is hereby transferred to Item No. 1 "Building for Tubercular Patients" under the heading "State Hospital at Goldsboro" on the same page above referred to, it being the intent and purpose of this Act to make said funds available to the State Hospital at Goldsboro for the construction of a building for tubercular patients.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 945 CHAPTER 1279

AN ACT REQUIRING THAT ALL DEEDS, DEEDS OF TRUST AND MORTGAGES ON REAL ESTATE ACCEPTED FOR PROBATE AND REGISTRATION IN THE COUNTIES DESIGNATED HEREIN SHALL SHOW THEREON THE NAME OF THE DRAFTSMAN.

The General Assembly of North Carolina do enact:

Section 1. The Clerks of the Superior Courts of the counties named below shall not accept for probate or recordation any deed, deed of trust or mortgage conveying any real estate, executed after July 1, 1959, unless there shall appear on such deed, deed of trust or mortgage the name of the person or firm who drafted such instrument, or unless in some similar manner the draftsman shall be designated thereon or therewith and the name of the draftsman may appear following the words, "drawn by", on such instrument or cover thereof or in any other manner so that the draftsman may be designated: Provided that such instruments prepared in other counties of North Carolina or in other states or counties for probate or recordation in any of said counties, or such instruments prepared by any party thereto may be accepted for probate or recordation without the name of the draftsman appearing thereon or being designated thereon or therewith; and, any such instruments may be probated and recorded without the name of the draftsman appearing thereon or being designated therewith when it shall be established to the satisfaction of the Clerk of Superior Court that, after due diligence, the draftsman cannot be determined or is deceased.

Sec. 2. This Act shall apply only to the following counties: Beaufort, Edgecombe, Nash, Richmond, Henderson, Montgomery, Robeson and Stanly.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 966 **CHAPTER 1280**

AN ACT TO PROVIDE FOR THE RESTORATION OF THE WADE HAMPTON MUSEUM NOW LOCATED AT THE BASE SECTION AT MOREHEAD CITY AND TO PROVIDE FOR ITS PRESERVATION AND DISPLAY.

WHEREAS, the Wade Hampton Museum several years ago was presented to the Commercial Fisheries Division of the Department of Conservation and Development with the understanding that it was to be preserved and displayed to the public; and

WHEREAS, the said Museum is now in a bad state of repair and the Commercial Fisheries Division has not in the past nor does it now have trained personnel who are qualified to properly preserve and display said Museum; and

WHEREAS, the State Museum of Natural History of the Department of Agriculture has agreed with the Commercial Fisheries Division that it can and will restore and preserve said Museum and put it on display at appropriate places in the State for the benefit of the public and all interested persons: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The State Museum of Natural History is authorized to take possession of, restore and preserve said Museum and as soon as practicable after said restoration to place the same on exhibition and display at appropriate places in the State for the benefit of the public and other interested persons.

Sec. 2. In order to defray the costs involved in the restoration and display of the Museum as provided in Section 1 of this Act, there is hereby appropriated from the General Fund of the State to the State Museum of Natural History of the State Department of Agriculture the sum of five thousand dollars ($5,000.00) for each year of the biennium 1959-1961.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 989 **CHAPTER 1281**

AN ACT TO AMEND G. S. 157-3(2) RELATING TO THE DEFINITION OF THE WORD "CITY".

The General Assembly of North Carolina do enact:

Section 1. G. S. 157-3(2) is hereby rewritten to read as follows:

"(2) 'City' shall mean any city or town having a population of more than five thousand (5,000) inhabitants according to the last Federal census or any revision or amendment thereto; provided, that in Alleghany, Cherokee, Clay, Graham, Hertford, Macon, Swain, Transylvania, Jackson,

Haywood, Madison, Buncombe, Henderson, and Polk Counties 'city' shall mean any city or town having a population of more than five hundred (500) inhabitants according to the last Federal census or any revision or amendment thereto".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1003 CHAPTER 1282

AN ACT TO AMEND G. S. 84 RELATING TO ATTORNEYS AT LAW.

The General Assembly of North Carolina do enact:

Section 1. G. S. 84-28, 1958 Replacement Volume 2C, is amended by adding a new paragraph at the end thereof to read as follows:

"Whenever the Council shall have directed a hearing upon any charges against a member of the bar and said member shall request it to do so, the Council shall advise the Supreme Court of the same and request the Supreme Court, through the Chief Justice, to designate a committee of not less than three members of the bar who are not members of the Council, and who are actively practicing in the State, to sit as a trial committee to hear the cause; said committee when so designated shall proceed in the same manner as in the case of a committee of the Council and under the same procedures set forth herein or as prescribed by rules adopted by the Council and approved by the Supreme Court."

Sec. 2. (1) G. S. 84-28, 1958 Replacement Volume 2C, is amended by adding in line 2 of said Section, after the word "purpose" the following: ", or designated by the Supreme Court."

(2) G. S. 84-28, 1958 Replacement Volume 2C, is amended by adding to the last paragraph of said Section, line 1, after the word "Council" and before the word "shall" the following: "or designated by the Supreme Court,".

(3) G. S. 84-28, 1958 Replacement Volume 2C, is amended by adding in line 2 of the last paragraph of said Section following the word "resides" and preceding the colon the following: "or if the accused is residing outside of the State, then in Wake County."

(4) G. S. 84-29, 1958 Replacement Volume 2C, is amended by inserting in paragraph 1, line 2, following the word "thereof" and preceding the word "shall" in line 3 the following: "and any committee designated by the Supreme Court,".

(5) G. S. 84-29, 1958 Replacement Volume 2C, is amended by inserting in paragraph 1, line 17 of said paragraph, following the word "thereof" and preceding the word "or" the following: "or any committee designated by the Supreme Court."

(6) G. S. 84-29, 1958 Replacement Volume 2C, is amended by inserting in paragraph 2, line 1, following the word "thereof" and preceding the comma following said word, the following: "or any committee designated by the Supreme Court,".

(7) G. S. 84-30, 1958 Replacement Volume 2C, is amended by inserting in line 2 following the word "thereof" and preceding the word "shall", in line 3, the following: "or any committee designated by the Supreme Court,".

(8) G. S. 84-30, 1958 Replacement Volume 2C, is amended by inserting in line 4, following the word "committee" and preceding the word "in" the following: "or any committee designated by the Supreme Court,".

(9) G. S. 84-32, 1958 Replacement Volume 2C, is amended by inserting in line 2, paragraph 1, following the comma after the word "thereof" the following: "or any committee designated by the Supreme Court,".

(10) G. S. 84-32, 1958 Replacement Volume 2C, is amended by inserting in line 3, paragraph 1, following the word "thereof" and preceding the word "shall" the following: "or any committee designated by the Supreme Court,".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed, but this Act shall not apply to any clauses which have been heard before a trial committee or which are pending on appeal to the courts.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1011 CHAPTER 1283

AN ACT TO CREATE THE PERQUIMANS PEACE OFFICERS' RELIEF ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known and may be cited as the Perquimans County Peace Officers' Relief Association Act.

Sec. 2. "Peace Officers" as used in this Act shall be deemed to include all law enforcement officers in Perquimans County, who are duly sworn as peace officers in said county or any municipality within the said county, or of the State of North Carolina who are regularly and duly stationed and assigned for duty in said county.

No person shall continue to be a member of the association created by this Act who has resigned, been removed from office, or who has otherwise ceased to be a law enforcement officer in said county or the municipalities therein or who, if a State officer, is no longer regularly and duly stationed and assigned for duty in said county.

Sec. 3. The Perquimans County Peace Officers' Relief Association shall be formed and the association shall include all peace officers who meet the requirements of Section 2 of this Act.

Peace officers who are entitled to membership in the association shall make application on forms to be furnished for the purpose, giving such information as may be required by the executive board, and shall pay an initiation fee and annual dues to be fixed by the executive board: Provided, such initiation fee shall not exceed five dollars ($5.00) and such dues shall not exceed six dollars ($6.00) per year.

Sec. 4. For the purpose of determining the recipients of benefits under this Act and the amounts thereof to be disbursed, and for formulating and making such rules and regulations as may be essential for the equitable and impartial distribution of such benefits to and among the persons entitled to such benefits, there is hereby created a board to be known as "The Executive Board of the Perquimans County Peace Officers' Relief Association", which shall consist of the Sheriff of Perquimans County, as ex officio member, and one representative from the membership in each of the municipalities of said county, said representatives to be elected by the members in each respective municipality as hereinafter provided.

Within thirty (30) days after the ratification of this Act the eligible peace officers of each of the said municipalities shall meet at a place and time designated by the sheriff of the county and elect from their number a representative of such municipality to membership on the executive board. The representative so elected shall serve until the next ensuing regular annual meeting of the membership as provided in this Act, and thereafter said representative shall serve for a term of one year or until his successor is duly elected. The membership of each of the said municipalities shall hold its regular annual meeting on the second Wednesday in January of each year, or as soon thereafter as practical, in such place as shall be designated by the sheriff of the county for the purpose of electing a representative to membership on the executive board, and for the transaction of such other business as it may deem necessary.

The executive board shall meet for the purpose of organizing and electing a chairman within ten (10) days after the election of the representatives as herein provided. The said executive board may have such other meetings as may be necessary, which meetings shall be held on call by the chairman or any two members. A majority of the members of the executive board shall constitute a quorum for the transaction of business.

Notice of the adoption by the executive board of such rules and regulations as may be deemed necessary, and all amendments thereto, shall be made promptly to all members of the association.

There shall be kept in the office of the said executive board by the treasurer, records which shall give a complete history and record of all actions of the executive board in adopting rules and regulations. All records, papers, and other data shall be carefully preserved and turned over to the succeeding officers or board members.

Sec. 5. On and after June 1, 1959, in each criminal case finally disposed of in the criminal courts of Perquimans County, wherein the defendent is convicted or enters a plea of nolo contendere and is assessed with the payment of costs, or where the costs are assessed against the prosecuting witness, there shall be assessed against said convicted person

or against such prosecuting witness, as the case may be, one dollar ($1.00) additional cost to be collected for the Perquimans County Peace Officers' Relief Association, as other costs are collected in criminal cases by justices of the peace, clerks, or other officers of court authorized to receive costs; provided, that the additional cost of one dollar ($1.00) herein provided for shall not be assessed in cases of abandonment and nonsupport.

Such costs collected for the Perquimans County Peace Officers' Relief Association shall be turned over to the sheriff of the county not later than the tenth day of each month, with a detailed report giving the name of the defendant in each case in which the amount was collected. The sheriff of the county shall within ten (10) days remit the same to the treasurer of the association, together with the itemized report received by him. Any justice of the peace, sheriff, clerk or officer of the court who wilfully fails to make such report within such time, or who knowingly fails to report any item taxed and collected as herein provided, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, within the discretion of the court.

Sec. 6. The executive board herein referred to may take by gift, grant, devise, or bequest, any money, real or personal property, or other things of value and hold or invest the same for the uses of said association in accordance with the purposes of this Act.

And the executive board shall have the authority to invest initiation fees and annual dues not immediately needed in any securities of the United States Government, of the State of North Carolina, or of any of the several counties or municipalities of the State of North Carolina, or in certificates of deposit in any bank or trust company authorized to do business in North Carolina in which the deposits are guaranteed by the Federal Deposit Insurance Corporation not to exceed the sum of ten thousand dollars ($10,000.00) in any one bank or trust company, or in the shares of Federal savings and loan associations and State-chartered building and loan associations not to exceed ten thousand dollars ($10,000.00) in any one of such associations; provided that no such funds may be so invested in a State-chartered building and loan association unless guaranteed by the Federal Deposit Insurance Corporation.

Sec. 7. The money paid into the Perquimans County Peace Officers' Relief Association shall be used for the purpose of paying the premiums on group insurance policies purchased pursuant to the provisions of this Act and for the administration and enforcement of this Act.

Sec. 8. The Treasurer of the Perquimans County Peace Officers' Relief Association shall be elected annually by the executive board and shall be a member of the board at the time of his election. He shall give a good and sufficient bond, and the cost of the bond shall be paid from the funds of the association.

Sec. 9. Members of the executive board, with the exception of the treasurer, shall serve without compensation. Necessary office supplies and medical advisory fees, and compensation of the treasurer as the

executive board shall determine, and any other administrative expenses which the executive board may deem necessary may be paid out of funds of the association.

Sec. 10. The executive board shall use the funds derived under this Act for the purpose of purchasing group insurance for the members of the Perquimans County Peace Officers' Relief Association against death or disability, or both, during the terms of their membership, under forms of insurance known as group insurance.

Sec. 11. The treasurer and executive board of the association shall make a report of all receipts and disbursements of the preceding year at each regular annual meeting of the membership and shall send a copy of such report, together with any refund to be made, to the Board of Commissioners of Perquimans County. The report so received shall be entered by the board of commissioners receiving the same upon its official minutes.

Sec. 12. Membership in the Perquimans County Peace Officers' Relief Association, or the receiving of benefits therefrom, because of insurance purchased as provided in this Act, shall not be construed to be in conflict with or to prevent membership in either the Local Governmental Employees' Retirement System, the Law Enforcement Officers' Benefit and Retirement Fund, or the Teachers' and State Employees' Retirement System.

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed, and if any Section be decided by the court to be invalid or unconstitutional, the same shall not affect the validity of this Act as a whole or any party thereof, other than the part decided to be unconstitutional or invalid.

Sec. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1015 CHAPTER 1284

AN ACT TO REWRITE G. S. 110-39 PERTAINING TO NEGLECT AND ENCOURAGEMENT OF DELINQUENCY OF CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 110-39 is hereby rewritten to read as follows:

"§ 110-39. Neglect by Parents; Encouraging Delinquency by Others; Penalty. (a) A parent, guardian, or other person having custody of a child, who omits to exercise reasonable diligence in the care, protection, or control of such child or who knowingly or wilfully permits such child to associate with vicious, immoral, or criminal persons, or to beg or solicit alms, or to be an habitual truant from school, or to enter any house of prostitution or assignation, or any place where gambling is carried on, or to enter any place which may be injurious to the morals, health, or general welfare of such child, and any such person or any other person who

knowingly or wilfully is responsible for, or who encourages, aids, causes, or connives at, or who knowingly or wilfully does any act to produce, promote, or contribute to, any condition of delinquency or neglect of such child shall be guilty of a misdemeanor.

"(b) It shall not be necessary that there shall have been a prior adjudication of delinquency or neglect of the child in order to proceed under this statute.

"(c) A prior adjudication of delinquency or neglect shall not preclude a subsequent proceeding against any parent, guardian or other person who thereafter contributes to any condition of delinquency or neglect."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1042 CHAPTER 1285

AN ACT AMENDING G. S. 14-72 RELATING TO LARCENY AND THE RECEIVING OF STOLEN GOODS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 14-72 be and the same is hereby amended by adding after the word "dwelling" appearing in line 5 thereof the following:

"or any storehouse, shop, warehouse, banking house, counting house, or other building where any merchandise, chattel, money, valuable security or other personal property shall be ,".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1052 CHAPTER 1286

AN ACT TO PROVIDE FOR THE REMOVAL OF JUSTICES OF THE PEACE FROM OFFICE FOR CERTAIN CAUSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 128-16, 1958 Replacement Volume 3B, is amended by inserting after the comma following the word "attorney" and before the word "any", in line 2, the words "any justice of the peace,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1074 **CHAPTER 1287**

AN ACT TO AMEND CHAPTER 1058 OF THE SESSION LAWS OF 1957 RELATING TO FALSE ADVERTISING AS TO GOING-OUT-OF-BUSINESS SALES.

The General Assembly of North Carolina do enact:

Section 1. Section 10½ of Chapter 1058 of the Session Laws of 1957 is amended by inserting after the comma following the word "Cumberland" and before the word "Onslow" in line two the words "Forsyth, Catawba, Craven, Cabarrus, Pitt, Durham, Cleveland, Gaston and Randolph,".

Sec. 1½. Section 10¾ of Chapter 1058 of the Session Laws of 1957 is amended by inserting after the comma following the word "Ashe" and before the word "Bertie" the word "Burke".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1086 **CHAPTER 1288**

AN ACT RELATING TO THE COMPENSATION OF CERTAIN OFFICIALS OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of G. S. 153-48.5, as the same appears in the 1957 Supplement to the General Statutes, is amended by inserting after the word "of" and before the word "Bladen" in line 2 of said paragraph the word "Alamance,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1087 **CHAPTER 1289**

AN ACT TO REPEAL CHAPTER 232 OF THE PUBLIC-LOCAL LAWS OF 1935 RELATING TO THE COMPENSATION OF CERTAIN EMPLOYEES OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 232 of the Public-Local Laws of 1935 is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1103 **CHAPTER 1290**

AN ACT TO AMEND ARTICLE 13 OF CHAPTER 7 OF THE GENERAL STATUTES RELATING TO THE ESTABLISHMENT OF AND OFFENSES BEFORE DOMESTIC RELATIONS COURTS BY AUTHORIZING THE GOVERNING BODIES TO ESTABLISH FEES TO BE CHARGED BY SAID COURTS, AND TO AUTHORIZE SAID COURTS TO COLLECT ALIMONY AND NON-SUPPORT PAYMENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-101, as the same appears in the 1957 Supplement to Volume 1B of the General Statutes, is hereby amended by inserting after the first paragraph thereof, a new paragraph to read as follows:

"Each domestic relations court heretofore or hereafter established by the board of county commissioners of a county shall have jurisdiction throughout the county, including all cities within the county, except those cities which have their own city domestic relations courts. The jurisdiction of the county domestic relations court within the corporate limits of a city shall automatically cease upon the establishment by the city (acting singly or in conjunction with other cities) of its own county domestic relations court and shall automatically be reinstated upon the city's abandonment of its own city domestic relations court."

Sec. 2. G. S. 7-108, as the same appears in Volume 1B of the General Statutes, is hereby amended by striking out in the second line thereof the word "petty".

Sec. 3. Article 13, Chapter 7, as the same appears in Volume 1B of the General Statutes, is hereby amended by adding immediately following G. S. 7-111 two new Sections, to be designated as G. S. 7-111.1 and G. S. 7-111.2, and to read as follows:

"G. S. 7-111.1. The board of county commissioners or the governing body of any incorporated city which has heretofore or which may hereafter establish, either independently by or joint action, a domestic relations court, shall have the authority to fix and determine the fees to be charged and collected by said court."

"G. S. 7-111.2. In all counties or incorporated cities in which there have been or which may hereafter establish a domestic relations court, all alimony and all nonsupport payments ordered in any cause pending in the Superior Court of said county may be ordered paid through the domestic relations court, and upon failure of the person so ordered to make said payments pursuant to the order entered in any such cause by a Judge of the Superior Court, the clerk of the domestic relations court shall immediately notify the Clerk of the Superior Court of failure of such person to make said payment.

"Upon the entering of any such order or orders in the Superior Court, the Clerk of the Superior Court shall immediately transmit to the clerk of the domestic relations court a copy of said order or orders."

Sec. 3½. This Act shall apply to Forsyth County only.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1104 CHAPTER 1291

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 42 OF THE GENERAL STATUTES BY ADDING A NEW SECTION TO ALLOW LANDLORD'S LIEN ON CROP INSURANCE FOR RENTS AND ADVANCES.

The General Assembly of North Carolina do enact:

Section 1. Article 2 of Chapter 42 of the General Statutes is hereby amended by adding a new Section to read as follows:

"G. S. 42-15.1. Landlord's lien on crop insurance for rents, advances, etc.; enforcement. Where lands are rented or leased by agreement, written or oral, for agricultural purposes, or are cultivated by a cropper, unless otherwise agreed between the parties to the lease or agreement, the landlord or his assigns shall have a lien on all the insurance procured by the tenant or cropper on the crops raised on the lands leased or rented to the extent of any rents due or advances made to the tenant or cropper.

"To be entitled to the benefit of the lien herein provided, the landlord must conform as to the prices charged for advances under the provisions of Article 10 of Chapter 44 relating to agricultural liens.

"The lien provided herein shall be preferred to all other liens on said insurance, and the landlord or his assigns shall be entitled to all the remedies at law for the enforcement of the lien."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1111 CHAPTER 1292

AN ACT TO AMEND G. S. 106-266.8(j) TO EXTEND THE JURISDICTION OF THE STATE MILK COMMISSION IN CERTAIN EMERGENCY SITUATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-266.8(j) is hereby amended by inserting the following immediately after the first sentence thereof:

"Whenever the Commission, after a public hearing and investigation, finds as a fact that an impending marketing situation threatens to disrupt or demoralize the milk industry in any milk marketing area or areas, it may establish such minimum prices at which milk may be sold in the said area or areas, as it may deem to be necessary to prevent the

disruption of such market or markets; and when the Commission finds that such threat no longer exists it shall withdraw such order or orders: Provided, that this authority shall not apply to the resale of milk when it is purchased for consumption on the premises. In exercising this authority, the Commission may take into consideration the type of container in which the milk is marketed."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1130 CHAPTER 1293

AN ACT AMENDING CHAPTER 631, SESSION LAWS OF 1955, RELATING TO THE AUTHORITY OF THE BOARD OF CONSERVATION AND DEVELOPMENT TO REGULATE THE TAKING OF FISH FROM THAT PART OF YEOPIM RIVER AND ITS TRIBUTARIES LYING WITHIN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 631, Session Laws of 1955, be and the same is hereby amended by striking from the last line of said Section the words "Deep Water Point" and substituting in lieu thereof the words "Norcum Point".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1142 CHAPTER 1294

AN ACT TO AMEND G. S. 115-148 RELATING TO REPORTS OF SUPERINTENDENTS, PRINCIPALS, TEACHERS AND OTHER EMPLOYEES IN THE PUBLIC SCHOOLS OF THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-148, as the same appears in the 1957 Supplement to the General Statutes, is amended by adding at the end thereof the following:

"When the governing board of any county or city administrative school unit shall have information that inaccurate school attendance records are being kept, the board concerned shall immediately investigate such inaccuracies and take necessary action to establish and maintain correct records and report its findings and action to the State Board of Education.

"When it shall be found by the State Board of Education that in-

accurate attendance records have been filed with the State Board of Education which resulted in an excess allotment of funds for teachers' salaries in any school unit in any school year, the school unit concerned may be required to refund to the State Board the amount allotted to said unit in excess of the amount an accurate attendance record would have justified."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1166 CHAPTER 1295

AN ACT TO AMEND G. S. 1-305 RELATING TO THE ISSUANCE OF EXECUTIONS ON UNSATISFIED JUDGMENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-305, as the same appears in the 1957 Supplement to Volume 1A of the General Statutes of North Carolina, is hereby amended by striking out the word "docketed", in line 2 thereof, and substituting therefor the word "rendered".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1170 CHAPTER 1296

AN ACT TO AMEND G. S. 35-31 PERTAINING TO THE COMMITMENT OF INEBRIATES.

The General Assembly of North Carolina do enact:

Section 1. Section 35-31 of the General Statutes is hereby amended by deleting from line 8 thereof the following: ", and unless it be accompanied by the affidavit or affidavits", by deleting all of line 9 thereof and by deleting from line 10 thereof the following: "inebriate, and that he is a proper subject for restraint, care, and treatment". Section 35-31 of the General Statutes is further amended by inserting in lieu of the deleted portions the following: ". The clerk at the time of issuing the warrant, if the petition is not accompanied by the affidavits of at least two reputable physicians stating that they have examined the alleged inebriate and that he is a proper subject for restraint, care, and treatment, shall direct that the alleged inebriate be examined by two reputable physicians, designated by the clerk, or shall direct that the alleged inebriate be brought to them for such an examination".

Sec. 2. These provisions shall apply to Mecklenburg County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1180 CHAPTER 1297

AN ACT TO AMEND G. S. 2-10 RELATING TO THE NUMBER OF ASSISTANT CLERKS OF SUPERIOR COURT WHO MAY BE APPOINTED IN EACH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 2-10 is hereby amended by striking out the first sentence thereof and substituting therefor the following sentence:

"Each Clerk of the Superior Court, by and with the written consent and approval of the Superior Court Judge resident in his district, may appoint one or more Assistant Clerks of the Superior Court, who before entering upon their duties shall take and subscribe the oath prescribed for clerks: Provided, that in counties having a population of less than fifty thousand (50,000), not more than two such assistant clerks may hold office at the same time; that in counties having a population of fifty thousand (50,000) to eighty thousand (80,000), not more than four such assistant clerks may hold office at the same time; that in counties having a population of more than eighty thousand (80,000), not more than six such assistant clerks may hold office at the same time."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1188 CHAPTER 1298

AN ACT TO AMEND THE ARSON LAWS, BEING ARTICLE 15, CHAPTER 14 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-62, as the same appears in the 1957 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by inserting in line 3 of said Section immediately after the words "burning of" the following: ", any uninhabited house,".

Sec. 2. G. S. 14-67 is hereby rewritten to read as follows:

"§ 14-67. Attempting to Burn Dwelling Houses and Certain Other Buildings. If any person shall wilfully and feloniously attempt to burn any dwelling house, uninhabited house, the Statehouse, or any of the public offices of the State, or any courthouse, jail, arsenal, clerk's office, register's office, or any house belonging to any county or incorporated town

in the State or to any incorporated company whatever, in which are kept the archives, documents, or public papers of such county, town or corporation, any schoolhouse, any church, chapel or meetinghouse, or any stable, coach house, outhouse, warehouse, office, shop, mill, barn or granary, or any building structure or erection used or intended to be used in carrying on any trade or manufacture, or any branch thereof, or any building or structure in the process of construction for use or intended to be used as a dwelling house or in carrying on any trade or manufacture, or otherwise, any boat, barge or float, any ginhouse or tobacco house, or any part thereof, whether such buildings or structures or any of them shall then be in the possession of the offender or in the possession of any other person, he shall be guilty of a felony, and shall be punished by imprisonment in the State's prison or county jail, or by a fine, or by both such fine and imprisonment, in the discretion of the court."

Sec. 3. The provisions of this Act shall have no application to or effect upon criminal offenses committed prior to the effective date of this Act, but the provisions of G. S. 14-62 and G. S. 14-67, as the same now appear in the General Statutes, shall remain in full force and effect with respect to all such offenses.

Sec. 4. This Act shall become effective from and after date of ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1189 CHAPTER 1299

AN ACT FIXING THE SALARIES OF CERTAIN PUBLIC OFFICIALS OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. On and after July 1, 1959, the Clerk of Superior Court of Alamance County shall receive an annual salary of eight thousand eight hundred and fifty dollars ($8,850.00), payable in monthly installments from the General Fund of Alamance County and shall in addition thereto receive such allowance for travel expense and other expenses as may from time to time be fixed by resolution of the Board of County Commissioners of Alamance County.

Sec. 2. On and after July 1, 1959, the Sheriff of Alamance County shall receive an annual salary of seven thousand seven hundred and fifty dollars ($7,750.00), payable in monthly installments from the General Fund of Alamance County and shall in addition thereto receive such allowance for travel expense and other expenses as may from time to time be fixed by resolution of the Board of County Commissioners of Alamance County.

Sec. 3. On and after July 1, 1959, the Register of Deeds of Alamance County shall receive an annual salary of six thousand five hundred dollars ($6,500.00), payable in monthly installments from the General Fund of Alamance County and shall in addition thereto receive such allowance for travel expense and other expenses as may from time to time be fixed by resolution of the Board of County Commissioners of Alamance County.

Sec. 4. On and after July 1, 1959, the Chairman of the Board of County Commissioners of Alamance County shall receive an annual salary of one thousand eight hundred dollars ($1,800.00), payable in monthly installments from the General Fund of Alamance County and shall in addition thereto receive such allowance for travel expense and other expenses as may from time to time be fixed by resolution of the Board of County Commissioners of Alamance County.

Sec. 5. On and after July 1, 1959, each member of the Board of County Commissioners of Alamance County, other than the chairman, shall receive an annual salary of three hundred dollars ($300.00), payable in monthly installments from the General Fund of Alamance County and shall in addition thereto receive for his services and expenses in attending the regular and recessed and special meetings of the board of county commissioners fifteen dollars ($15.00) per meeting. In addition thereto, each member of the board of county commissioners, including the chairman, shall be allowed mileage to and from the place of meeting of said board at the rate of ten cents (10¢) per mile.

Sec. 6. The board of county commissioners is hereby authorized to amend its budget for the year 1960-1961 so as to provide for the payments specified in this Act.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1190 CHAPTER 1300

AN ACT TO AMEND G. S. 14-346.1 SO AS TO MAKE SAME APPLICABLE TO ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The third unnumbered paragraph of G. S. 14-346.1, exempting certain counties from the operation of G. S. 14-346.1, is hereby amended by striking out in lines one and two thereof, the word "Alamance,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1197 **CHAPTER 1301**

AN ACT TO REPEAL G. S. 113-200 RELATING TO THE TAKING OF UNCULLED OYSTERS FOR PLANTING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-200 is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1243 **CHAPTER 1302**

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF WRIGHTSVILLE BEACH TO CONSTRUCT, IMPROVE, ENLARGE, EXTEND, EQUIP AND LEASE PROPERTIES RELATING TO TOURISTS AND RESORT-CONVENTION HOTELS IN THE TOWN OF WRIGHTSVILLE BEACH AND TO ISSUE REVENUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the Town of Wrightsville Beach is hereby authorized and empowered, upon the approval of a three-fourths majority of said board:

(a) to construct, improve, enlarge, extend and equip any property or properties relating or deemed to be necessary and advisable for the promotion, development and maintenance of tourists and convention trade, including, without limitation, tourists, resort-convention hotels and related facilities, and

(b) to hold, operate, manage and lease any such property or properties to a public agency or instrumentality or to any private person, firm or corporation upon such terms and conditions and for such period or periods as the said board of aldermen deem to be in the best interest of the Town of Wrightsville Beach.

Sec. 2. The Board of Aldermen of the Town of Wrightsville Beach is hereby authorized and empowered to issue negotiable, self-liquidating, revenue bonds under and pursuant to the Revenue Bond Act of 1938 to pay all or any part of the costs of any acquisition, construction, improvement, enlargement, extension or equipment of any such property or properties. The principal and interest of the revenue bonds shall be payable solely from the operation of all or any part of the property or facilities authorized under the provisions of this Act. The board of aldermen may pledge all or any part of the revenues derived from the operation of the properties or facilities to secure the payment of said bonds as they mature. The revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt or obligation of the Town of Wrightsville

Beach, and no public funds or any form of taxation whatsoever shall be used for the payment of such revenue bonds. The revenue bonds authorized under this Act, the income thereof and any gain realized in the sale thereof shall be exempt from all municipal, county and State taxation.

Sec. 3. The powers granted under the provisions of this Act to the Board of Aldermen of the Town of Wrightsville Beach shall be in addition to and not in substitution for any other powers heretofore or hereafter granted to said board.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1245 CHAPTER 1303

AN ACT TO AUTHORIZE THE STATE TO PARTICIPATE WITH THE FEDERAL GOVERNMENT IN THE PROTECTION OF MIGRATORY WATERFOWL IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The North Carolina Wildlife Resources Commission is hereby authorized to close or otherwise modify the season bag limits and use of blinds in hunting migratory waterfowl in Hyde County on the written recommendation of the Director of the United States Fish and Wildlife Service.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1258 CHAPTER 1304

AN ACT RELATING TO THE SALE OF ROCK FISH IN HALIFAX AND NORTHAMPTON COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. It shall be lawful to sell or offer for sale to the public rock fish taken from that portion of the Roanoke River between the highway bridge on U. S. Highway 258 North of Scotland Neck and the highway bridge on U. S. Highway 301 near Weldon during the months of April, May and June. Rock fish sold pursuant to the authority granted in this Act must be marketed in Halifax and Northampton Counties.

Sec. 2. This Act shall apply to Halifax and Northampton Counties.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1259 **CHAPTER 1305**

AN ACT TO PROVIDE FOR THE CODIFICATION AND PRINTING OF THE MACHINERY ACT, THE SAME BEING CHAPTER 310 OF THE PUBLIC LAWS OF 1939, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. The Secretary of State, with the advice of the Attorney General, shall insert in the Machinery Act of 1939, being Chapter 310 of the Public Laws of 1939, in their proper places, the several amendments and supplements thereto enacted by the General Assemblies of 1939 through 1959, inclusive, and shall print in codified form 2,500 copies of said Act as amended and supplemented, which copies shall be delivered to the State Board of Assessment for distribution. This compilation and codification, when certified by the Secretary of State and the Attorney General to be a true and accurate codification of the Machinery Act of 1939 and all amendments thereto, shall be an official codification or statement of the Machinery Act of 1939 as amended through the 1959 Session of the General Assembly.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1260 **CHAPTER 1306**

AN ACT TO AMEND CHAPTER 52 OF THE GENERAL STATUTES SO AS TO VALIDATE CERTAIN CONVEYANCES BETWEEN HUSBAND AND WIFE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 52 of the General Statutes is hereby amended by inserting therein immediately following Section 52-12.1 and immediately preceding Section 52-13 a new Section to be designated as Section 52-12.2 and to read as follows:

"Sec. 52-12.2. Validation of Contracts or Conveyances Between Husband and Wife Where Wife is Not Privately Examined. Any contract between husband and wife coming within the provisions of G. S. 52-12 executed between June 10, 1957 and the effective date of this Section which does not comply with the requirement of a private examination of the wife and which is in all other respects regular is hereby validated and confirmed to the same extent as if the examination of the wife had been separate and apart from the husband. This Section shall not affect pending litigation."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1261 **CHAPTER 1307**

AN ACT TO AMEND G. S. 97-90 RELATING TO CERTAIN FEES AND CHARGES IN WORKMAN'S COMPENSATION CASES INVOLVING THIRD-PARTY TORT-FEASORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 97-90 is hereby amended by adding a new subsection at the end thereof, to be appropriately designated, and to read as follows:

"Provided, that nothing contained in this Section shall prevent the collection of such reasonable fees of physicians and charges for hospitalization as may be recovered in an action, or embraced in settlement of a claim, against a third party tort-feasor as described in G. S. 97-10."

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1276 **CHAPTER 1308**

AN ACT TO ESTABLISH THE JOHN MOTLEY MOREHEAD MEMORIAL COMMISSION AND TO AUTHORIZE IT TO ACQUIRE PROPERTY AND GIFTS AND TO DO ALL THINGS NECESSARY TO ESTABLISH A PERPETUAL MEMORIAL AT THE BLANDWOOD HOMEPLACE OF JOHN MOTLEY MOREHEAD, GREENSBORO, NORTH CAROLINA.

WHEREAS, John Motley Morehead, son of John and Obedience Motley Morehead, was born on Independence Day, 1796, in Rockingham County, North Carolina; he attended the Academy of the distinguished minister and educator, Dr. David Caldwell; he graduated from the University of North Carolina and studied law under the celebrated law teacher, Archibald D. Murphey; he represented Rockingham County in the North Carolina House of Commons in 1824; he married Anne Eliza Lindsay the same year and removed to Greensboro, North Carolina; he represented Guilford County in the North Carolina House of Commons in 1826-1827 and in the Constitutional Convention of 1835. He was elected Governor of North Carolina in 1840 and re-elected in 1842; he again represented Guilford County in the House in 1858 and two years later served in the Senate; he was the permanent presiding officer of the National Whig Convention at Philadelphia in 1848; he was one of the North Carolina delegates to the Peace Convention in Washington in 1858, and was a member of the Provisional Congress of the Confederacy in 1861-1863; and

WHEREAS, he was largely responsible for the establishment of asylums for the dumb, blind and insane in the State of North Carolina; he

led in the establishment of the North Carolina Railroad; he was a distinguished lawyer, manufacturer, developer and civic promoter, described by some who knew him in his time as "the greatest man that North Carolina had ever produced"; and

WHEREAS, in 1825 he erected a residence in the midst of an oak grove of the original forest on the edge of Greensboro, now at the corner of Washington and Edgeworth Streets, that became famous under the name of "Blandwood"; and

WHEREAS, the said residence still stands in a reasonably good state of preservation in a square which is now near the center of the City of Greensboro; and

WHEREAS, Blandwood is one of North Carolina's most interesting landmarks and a part of the great heritage of the State of North Carolina; and

WHEREAS, it will probably be offered for sale at an early date, and if not purchased for preservation this historic building will be destroyed and a permanent loss to the people of North Carolina unless acquired and restored immediately: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby created and established the John Motley Morehead Memorial Commission which shall be composed of nineteen members, four of whom, namely: The Director of the State Department of Archives and History, the Superintendent of Public Instruction, the Director of the Department of Conservation and Development, and the State Treasurer, shall serve as ex officio members, nine of whom shall be appointed by the Governor of North Carolina, three of whom shall be appointed by the Board of County Commissioners of Guilford County and the remaining three members of said commission shall be appointed by the City Council of the City of Greensboro. Three of the members appointed by the Governor of North Carolina shall serve for a term of six years, three for a term of four years, and three for a term of two years, from and after their appointments; one of the members of said commission appointed by the Board of County Commissioners of Guilford County shall serve for a term of six years, from and after their appointments, and one of the members appointed by the City Council of the City of Greensboro shall serve for a term of six years, one for a term of four years, and one for a term of two years, from and after their appointments. At the end of the term of office of each group of members, their successors shall be appointed for a term of six years, it being the object and purpose of this portion of this Act to stagger the terms of office of said members. All vacancies occurring in the office of membership on this commission from any cause whatsoever shall be filled by appointments made by the official, board or authority that constituted and made the original appointments. Appointments to fill vacancies shall be for unexpired terms only.

Sec. 2. The John Motley Morehead Memorial Commission, hereinafter referred to as "Commission", is hereby declared to be a body corporate, politic and a subdivision and/or instrumentality of government.

It is hereby declared by the General Assembly that said Commission is created for a public purpose and that the duties, power and objectives of said Commission shall be, and are, for a public purpose. The said Commission shall be authorized and empowered to receive property both real and personal, by gift, devise, bequest or otherwise, and said Commission is authorized to solicit funds, promote and carry on campaigns and programs for the collection of funds to be used for the restoration and repair necessary in establishing said memorial, and in carrying out its affairs and business. It shall have the power and authority to convey, mortgage and otherwise dispose of, real and personal property, as well as to accept deeds, bills of sale and other instruments conveying and vesting title in it for the purposes herein described. The said Commission shall have power and authority to convey any property received by it to the State of North Carolina.

Sec. 3. The Board of Commissioners of Guilford County is hereby authorized and empowered to appropriate and pay over to said Commission from any surplus or non-ad valorem tax funds derived from any source whatsoever sums of money to be used by the Commission in carrying out the purposes of this Act. The governing authority of the City of Greensboro is authorized and empowered to appropriate and pay over to said Commission from any surplus or non-ad valorem tax funds derived from any source whatsoever sums of money to be used by the Commission in carrying out the purposes of this Act. Any payments or transfer of sums of money on the part of the Board of County Commissioners of Guilford County or the governing authority of the City of Greensboro made to said Commission for the purposes of this Act are hereby declared to be for a public purpose and the special approval of the General Assembly is given for said appropriations.

The governing bodies of the counties and municipalities of the State are authorized to appropriate out of any surplus funds, not derived from ad valorem taxation, sums of money to be paid to said Commission for the purposes herein set forth. The Commission may organize groups or units such as, in its discretion, may be helpful in raising funds through organizations, societies, schools, clubs, civic clubs and patriotic organizations and veterans groups throughout the State. All expenditures of funds made by the governing bodies of counties and municipalities for the purpose of carrying on the works of the Commission are hereby declared to be expenditures of funds for a public purpose and are fully authorized by this Act to the same extent and authority as necessary for the expenditures of county and municipal funds for any other public purpose now recognized by the laws of the State.

The special approval of the General Assembly is hereby given to all appropriations of surplus or non-ad valorem tax funds that should be made and paid over to said Commission by all counties and municipalities and the same are declared to be for a public purpose and the special approval of the General Assembly is given for such appropriations.

Sec. 4. Upon the request of the Commission hereby created, based upon a Resolution adopted by such Commission, the governing body of

Guilford County or of the City of Greensboro may, in its discretion, make appropriations from non-ad valorem tax revenues to such Commission.

Sec. 5. The Commission may expend such funds as it may receive for the purchase of the Governor John Motley Morehead homeplace, the reconstruction of buildings thereon, the recording for publication of materials relating to the history thereof, the establishment or maintenance of historical features in connection therewith, the payment of salaries of personnel employed thereby, the cost of recording and maintaining materials and equipment and such other purposes as may be approved by the said Commission for such purposes. The Commission, upon receipt of such funds, shall make an annual report to said county or municipal governing body showing the manner in which appropriated funds have been expended during each fiscal year that such funds are expended.

Sec. 6. When the property necessary for the memorial herein provided for has been acquired and fully restored, as herein provided, and when the State of North Carolina is willing to accept same, it shall then be conveyed to the State of North Carolina, to be administered by the Department of Archives and History.

Sec. 7. The Commission herein provided and established, in carrying out its functions and duties, shall consult with and secure the advice of the Department of Archives and History, its officers and agents, in regard to the amount of property needed to be acquired and the plans for the restoration and development of same.

Sec. 8. When the property is so acquired, and has been fully restored and conveyed to the State of North Carolina, the John Motley Morehead Memorial Commission shall be dissolved. The members of said Commission shall serve without compensation and shall not be entitled to subsistence and transportation.

Sec. 9. Members of the Commission shall be deemed Commissioners of Public Charities within the meaning of the proviso to Article XIV, Section 7, of the Constitution of North Carolina.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1288 **CHAPTER 1309**

AN ACT TO EXTEND THE JURISDICTION OF THE RECORDER'S COURT OF THE TOWN OF MOUNT HOLLY, GASTON COUNTY, NORTH CAROLINA, TO INCLUDE ALL OF RIVER BEND TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. The jurisdiction of the Recorder's Court of the Town of Mount Holly, Gaston County, North Carolina, is extended to include all of River Bend Township, Gaston County, North Carolina.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1308 **CHAPTER 1310**

AN ACT TO AMEND CHAPTER 382, SESSION LAWS OF 1947, AS AMENDED BY CHAPTER 575, SESSION LAWS OF 1953, AND RE-ENACTED BY CHAPTER 401, SESSION LAWS OF 1957, RELATING TO THE ISSUANCE OF SCHOOL BUILDING BONDS BY DISTRICTS AND THE LEVY OF TAXES FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON SUCH BONDS.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 382, Session Laws of 1947, as amended by Chapter 575, Session Laws of 1953, and re-enacted by Chapter 401, Session Laws of 1957, be and the same is hereby amended by adding a new Section immediately following Section 11A of Chapter 575, Session Laws of 1953, and immediately preceding Section 12 thereof, to be designated as Section 11B and reading as follows:

"Sec. 11B. When any District has been created as authorized by this Act, the County Board of Education, at any time prior to the holding of the election on the question of issuing bonds, may rescind its action creating said District and the District shall be dissolved."

Sec. 2. This Act shall apply only to Sampson County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1331 **CHAPTER 1311**

AN ACT PROVIDING THAT S. B. 430, RATIFIED ON THE 16TH DAY OF JUNE, 1959, AND CREATING THE "EAST CAROLINA AIRPORT AUTHORITY" SHALL NOT APPLY TO THE COUNTIES OF MARTIN, WASHINGTON AND WILSON.

The General Assembly of North Carolina do enact:

Section 1. That none of the provisions of S. B. 430, ratified on the 16th day of June, 1959, shall be applicable to the Counties of Martin, Washington and Wilson.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1341 **CHAPTER 1312**

AN ACT TO AMEND CHAPTER 156 OF THE GENERAL STATUTES RELATING TO THE ESTABLISHMENT OF DRAINAGE DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 156-74 is amended by adding at the end thereof a new paragraph to read as follows:

"The Court shall, at the time of consideration of said report, determine whether:

"(1) The petitioners constitute a majority of the resident land owners, whose lands are adjudged to be benefited by the proposed construction work as shown in the final report of the Board of Viewers and finally approved by the Court; or

"(2) The petitioners own three-fifths of the land area which is adjudged to be benefited by the proposed construction work as shown in the final report of the Board of Viewers and finally approved by the Court.

"If the petitioners do not constitute either a majority of the resident land owners or own three-fifths of the land as set out in subdivisions (1) or (2) above, then the proceeding shall be dismissed."

Sec. 2. Chapter 156 of the General Statutes is hereby amended by adding thereto a new Section to be numbered G. S. 156-138.1 and to read as follows:

"G. S. 156-138.1. Meaning of 'Majority of Resident Land Owners' and 'Owners of Three-Fifths of Land Area'. Wherever in this subchapter reference is made to a 'majority of resident land owners' or 'owners of three-fifths of the land area', such reference shall be deemed to refer only to lands alleged in a petition or adjudged by the Court to be benefited by the proposed construction work."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day or June, 1959.

H. B. 1349 CHAPTER 1313

AN ACT TO AUTHORIZE TRANSFER OF $30,000 FROM A CERTAIN CAPITAL IMPROVEMENT APPROPRIATION MADE TO STATE COLLEGE OF AGRICULTURE AND ENGINEERING IN 1957 TO A DIFFERENT CAPITAL IMPROVEMENT PROJECT.

WHEREAS, a sum of thirty thousand dollars ($30,000.00) was appropriated by Chapter 1341 of the 1957 Session Laws to the North Carolina State College of Agriculture and Engineering for the purpose of renovation of Holladay Hall; and

WHEREAS, it has been found that the need to renovate Peele Hall at the said institution is of prior urgency and the work required for Peele Hall is more extensive than had previously been anticipated: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Director of the Budget is hereby authorized to transfer thirty thousand dollars ($30,000.00) which was appropriated by Chapter 1341 of the 1957 Session Laws to the North Carolina State College of Agriculture and Engineering for the purpose of renovation of Holladay Hall and to make the said sum available for the purpose of the renovation of Peele Hall at the said institution.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day or June, 1959.

H. B. 1360 CHAPTER 1314

AN ACT TO AMEND G. S. 153-9 SO AS TO AUTHORIZE THE COUNTY COMMISSIONERS IN ROCKINGHAM AND GRAHAM COUNTIES TO ASSIST FINANCIALLY THE SOIL CONSERVATION SERVICES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9 is amended by adding a new paragraph immediately following subsection 35, to be designated as subsection 35¾, and to read as follows:

"To Promote Farm Soil Conservation Work. To cooperate with the State and National soil conservation services, agencies or districts to promote soil conservation work, and to appropriate from non-tax revenues such sums as they may deem advisable for this purpose."

Sec. 2. This Act shall apply only to Rockingham and Graham Counties.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day or June, 1959.

S. B. 66 CHAPTER 1315

AN ACT TO AMEND CHAPTER 102 OF THE GENERAL STATUTES RELATING TO LAND SURVEYS AND AFFECTING THE OFFICIAL SURVEY BASE IN THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 102-10, 1958 Replacement Volume 2C, is amended by striking out in lines 11 and 12 the punctuation and words "subject to the agreement of the Federal Works Progress Administration," and substituting there the punctuation and words "All persons or agencies having in their possession any surveys, notes, computations, or other data pertaining to the aforementioned coordinate system, shall turn over to the Department of Conservation and Development such data upon request."

Sec. 2. Chapter 102 of the General Statutes is further amended by adding a new Section immediately following G. S. 102-11, to be designated as G. S. 102-12, and to read as follows:

"G. S. 102-12. Control System Map. The agency shall prepare for publication and cause to be published before July 1, 1962, a map or maps setting forth the location of monuments for both horizontal and vertical control, together with such other pertinent data as the agency may direct for implementation of the North Carolina coordinate system. The agency shall furnish such map or maps to any person or make such charge as will defray the expense of printing and distribution. It shall be the responsibility of the agency to maintain this map, make revisions as often as necessary to provide up-to-date information and furnish up-to-date copies to the Register of Deeds of each county in the State."

Sec. 3. Chapter 102 of the General Statutes is further amended by adding a new Section immediately following G. S. 102-12 to be designated as G. S. 102-13, and to read as follows:

"G. S. 102-13. Recording Tax. There shall be applied to each transaction in the transfer of ownership of land, except cemetery lots, and on the execution of rights of way, easements, or leases of land recorded in any county of North Carolina, a recording tax of fifty cents (50¢), such tax to be collected at the time of registration of the instrument by the Registrar of Deeds from the selling party to the instrument. The county shall retain ten cents (10¢) from each transaction to offset collection cost and shall pay forty cents (40¢) from each transaction into the General Fund of the State. Counties shall maintain daily record of such taxable transactions and shall make payment to the Commissioner of Revenue not later than the 15th of the month following that for which payment is made".

Sec. 3. Chapter 102 of the General Statutes is further amended by adding a new Section immediately following G. S. 102-13, to be designated as G. S. 102-14, and to read as follows:

"G. S. 102-14. Initial Operating Funds. There is hereby appropriated the sum of eighty-five thousand two hundred and fifty dollars ($85,250.00) for the fiscal year 1959-60 and seventy-five thousand dollars ($75,000.00) for the fiscal year 1960-61 to the Department of Conservation and Development for organization and operation of the official Survey Base Division for the biennium 1959-61. Thereafter, operating funds shall be provided from the General Fund in accordance with applicable budgetary procedures."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day or June, 1959.

S. B. 72 CHAPTER 1316

AN ACT TO AMEND CHAPTER 55 OF THE NORTH CAROLINA GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 55-2(4), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by adding at the end thereof a new sentence to read as follows: "Nothing in this definition is intended to preclude the application of this Chapter to foreign corporations in those circumstances where the principles of Conflicts of Laws permit their application."

Sec. 1½. G. S. 55-7(b) as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by adding at the end thereof the following sentence: "When the articles fail to state the period of duration, it shall be considered perpetual."

Sec. 2. G. S. 55-16(a)(1), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by changing the semicolon at the end thereof to a comma and by adding thereto the following: "except where the charter or a bylaw adopted or approved by the shareholders authorizes the board of directors to adopt, amend or repeal the bylaws;".

Sec. 3. G. S. 55-16(c), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting following the word "shares," and before the word "not" in line two thereof the words "and restrictions on such transfer,".

Sec. 4. G. S. 55-17(a)(6), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking the word "purposes" following the word "educational" in line three thereof and inserting the words ", cultural or artistic purposes, or for public welfare".

Sec. 5. G. S. 55-17(a), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby further amended by adding at the end thereof a new subdivision (10) to read as follows:

"(10) To pay pensions and establish pension plans, pension trusts, profit-sharing plans, stock bonus plans and other incentive plans for its officers, directors and employees."

Sec. 6. G. S. 55-22(a), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting following the word "shareholders," and preceding the word "or" in line 13 thereof the words "regardless of their adverse interests or voting rights.".

Sec. 7. G. S. 55-26, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by changing the catchline to "Staggered Board of Directors."; by striking out the word "divided" from line four thereof and substituting therefor the words "staggered by division"; by inserting following the word "no" and preceding the word "classification" in line 13 thereof the word "such"; and by rewriting the remainder of the Section following the period in line 14 thereof to read as follows: "Boards of directors may also be classified otherwise than by staggering. Corporations having a lawfully staggered or otherwise classified board of directors when this Chapter goes into effect may continue their existing classification even though not conforming to this Section."

Sec. 8. G. S. 55-29(a)(3), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby rewritten to read as follows:

"(3) The directors or committee members are accustomed to take informal action and this custom is generally known to the shareholders and if all the directors or committee members, as the case may be, know of the action in question and no director or committee member makes prompt objection thereto."

Sec. 9. G. S. 55-34(a), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting following the words "board of directors" at the end of line three and beginning of line four and preceding the word "at" in line four thereof the words "or otherwise chosen and"; and by striking out the words "except the offices of president and secretary." at the end thereof and substituting therefor the words "but no officer may act in more than one capacity where action of two or more officers is required."

Sec. 10. Chapter 55 of the General Statutes is hereby amended by adding a new Section following G. S. 55-40 to be numbered G. S. 55-40.1 and to read as follows:

"§ 55-40.1. Power of Directors to Issue Shares. Unless the charter or the bylaws otherwise provide, the board of directors of a corporation shall have the power by resolution duly adopted to issue from time to time any part or all of the authorized but unissued shares or dispose of its treasury shares, and to determine the time when, the terms upon which, and the consideration for which the corporation shall issue or dispose of such shares."

Sec. 11. G. S. 55-44(g), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby rewritten to read as follows:

"(g) The granting of rights to convert into shares which are subject to pre-emptive rights or of options to acquire such shares must be authorized by such action of the shareholders as would be required to release pre-emptive rights under the provisions of this Chapter, and such authorization shall operate as such release."

Sec. 12. G. S. 55-45(a), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by changing the comma in line six after the word "vote" to a period and by striking out the remainder of the sentence.

Sec. 13. G. S. 55-46(a)(4), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the first word thereof and by capitalizing the first letter of the next word, "satisfaction", in that subdivision.

Sec. 14. G. S. 55-46(b), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby rewritten to read as follows:

"(b) Neither promissory notes nor other obligations of a subscriber or purchaser, including any endorsement or guaranty or any obligation of the corporation, shall constitute payment or part payment to a corporation for its shares. An agreement of a person to perform future services as the consideration for shares shall not constitute such a person a shareholder prior to the performance of such services."

Sec. 15. G. S. 55-48(f), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the word "Distributions" at the beginning thereof and inserting in lieu thereof the words "Unless made in violation of contract, distributions".

Sec. 16. G. S. 55-50(e)(1), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by changing the comma following the word "provides" in line nine thereof to a period and by striking out the remainder of the subdivision.

Sec. 17. G. S. 55-51(a)(1), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by adding at the end thereof a new sentence to read as follows: "If such shares are issued at more than the par value thereof, an amount of surplus equal to the excess over the aggregate par value of the shares shall be credited to a capital surplus account in accordance with generally accepted principles of sound accounting practice applicable to the kind of business conducted by the corporation."

Sec. 18. G. S. 55-51(a)(2), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the word "fair" in line two thereof and by inserting in lieu thereof the word "a".

Sec. 19. G. S. 55-52(c)(3) is hereby rewritten to read as follows:

"(3) From any shareholder of any class, if the board of directors shall have obtained authorization so to purchase, within a period of one year preceding the purchase, by a vote of a majority of the holders of the class of shares of the corporation which are entitled to vote, after full

disclosure to the holders of the class of shares entitled to vote of the specific purpose of the proposed purchase, together with a statement of the class of shares proposed to be purchased. Authorization of the stockholders shall not be required for each specific purchase, provided the total number of shares purchased shall not exceed the maximum number of shares authorized in the authorization of the stockholders."

Sec. 20. G. S. 55-58, as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by rewriting the first sentence thereof to read as follows: "A corporation may, but shall not be obligated to, issue a certificate for a fractional share, and, by action of its board of directors, may sell said fractional share in any fair and equitable manner and pay cash equal to the value of said fractional share to the person entitled thereto. In lieu of issuing a certificate for a fractional share, a corporation may issue script in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such script aggregating a full share."

Sec. 21. G. S. 55-61(b), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the word "At" at the beginning of the last sentence, as the same is found in line 13 thereof, inserting in lieu thereof the words "Subject to the provisions of G. S. 55-73(b), at.".

Sec. 22. G. S. 55-61(d), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby rewritten to read as follows:

"(d) Any matter relating to the affairs of a corporation is a proper subject for action at an annual meeting of shareholders, and unless required by some provision of this Chapter, the matter need not be specifically stated in the notice of the meeting."

Sec. 23. G. S. 55-67(c), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the word "At" at the beginning thereof and inserting in lieu thereof the words "Except where some inconsistent agreement exists for choosing directors, valid under the provisions of G. S. 55-73, at"; and by inserting following the word "cumulatively" and preceding the word "and" in line 11 thereof the words "and shall announce the number of shares present in person and by proxy,".

Sec. 24. G. S. 55-68(b), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by changing the period at the end thereof to a comma and inserting after the comma the words "unless renewed or extended at any time for not more than ten years from the date of such renewal or extension."

Sec. 25. G. S. 55-100(b)(1), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by adding at the end thereof a new sentence to read as follows: "In lieu thereof, a resolution setting forth a proposed amendment and requesting its submission to such a meeting may be approved in writing by such shareholders as would be entitled to a call of a shareholders' meeting pursuant to the provision of G. S. 55-61(c)."

Sec. 26. G. S. 55-125(a)(2), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting following the word "power" and preceding the word "and" in line one thereof the words ", otherwise than by virtue of special provisions or arrangements designed to create veto power among the shareholders,".

Sec. 26½. G. S. 55-130.1. Voluntary Surrender of Corporate Rights and Franchises by Incorporators. The incorporators named in the articles of incorporation may, before the payment of any part of the capital stock, and before beginning the business for which the corporation was created, surrender the existing corporate rights and franchises, by filing a certificate in the office of the Secretary of State in the manner prescribed by G. S. 55-4, verified by oath, that no part of the capital stock has been paid and received by the corporation and such business has not been begun, and surrendering all rights and franchises. Thereupon the corporation becomes nonexistent and is cancelled as if such corporation had never been created.

Sec. 27. G. S. 55-137(c), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by changing the period at the end thereof to a comma and adding thereto the following: "except that the Secretary of State may in his discretion issue a certificate of authority to a foreign corporation which has a corporate name similar to that of some other domestic corporation or foreign corporation authorized to transact business in this State when he finds that: The similarly named corporations are engaged in dissimilar types of business; and further that the previously incorporated or authorized corporation consents in writing to the issuance of the certificate of authority to do business under the similar name."

Sec. 28. G. S. 55-12(c), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting following the words "shall not" and preceding the words "be the same" in line one thereof the words: ", subject to the provisions of G. S. 55-137(c),".

Sec. 28½. That a new Section be and the same is hereby added to Chapter 55 of the General Statutes to be designated as G. S. 55-164.1 to read as follows:

"§55-164.1. New Corporations Organized to Succeed to Rights in Corporate Charter Forfeited. Wherever a corporation created under the laws of the State of North Carolina has, on account of failure to make reports to the different State authorities, for such a length of time as to lose its charter and where thereafter, under the laws of the State of North Carolina, a new charter is issued, in the same name as the original corporation, and on behalf of the same corporation, such new corporation shall succeed to the same properties, to the same rights as the original corporation before losing its charter on account of neglect hereinbefore mentioned.

Whenever such new corporation shall have been created, under the laws of this State, all the title, rights and emoluments to the property held by the original corporation shall inure to the benefit of the newer corporation

and the new corporation shall issue its stock to the stockholders in the defunct corporation, in the same number and with the same par value held by the stockholders of the defunct corporation.

Such new corporation shall have the rights and privileges of maintaining any action or cause of action which the defunct corporation might maintain, bring or defend and to all intents and purposes the new corporation shall take the place of the defunct corporation to the same intent and purposes as if the defunct corporation has never expired by reason of its failure to make the reports hereinbefore referred to.

Sec. 29. G. S. 55-99(b), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by adding thereto a new subdivision (17) to read as follows:

"(17) To change the corporation into a nonprofit corporation or a cooperative organization."

Sec. 30. G. S. 55-101(a), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by adding thereto a new subdivision (13) to read as follows:

"(13) Change the corporation into a nonprofit corporation or a cooperative organization."

Sec. 31. G. S. 55-101(b), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting at the beginning of the first sentence thereof the words: "Any objecting shareholder shall have the right to be paid the value of his shares in accordance with the provisions of G. S. 55-113, if an amendment of the charter would change the corporation into a nonprofit corporation or cooperative organization; and".

Sec. 32. G. S. 55-103(a)(2), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by inserting at the end thereof a new sentence to read as follows: "And if the amendment changes the corporation into a nonprofit corporation or a cooperative organization, there shall be included a statement of purpose appropriate for a nonprofit corporation or a cooperative organization as the case may be."

Sec. 33. G. S. 55-25(a), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by rewriting the same to read as follows:

"(a) The number constituting the board of directors shall be not less than three. The number, not less than three, constituting the first board of directors shall be fixed by the articles of incorporation. In the absence of a provision in the articles of incorporation, the charter, or the bylaws fixing the number of directors, the number shall be the same as that fixed in the articles of incorporation for the first board of directors. The articles of incorporation, the charter, or the bylaws may provide for a maximum and minimum number of directors, and, if so, shall designate the manner in which such number shall from time to time be determined. If the fixing of a maximum and minimum number of directors is authorized, the articles of incorporation, the charter, or the bylaws may provide that

any directorships not filled by the shareholders shall be treated as vacancies to be filled by and in the discretion of the board of directors."

Sec. 34. G. S. 55-27(c), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by changing the period at the end thereof to a comma and by adding thereafter the words "except as provided in G. S. 55-25(a)."

Sec. 35. G. S. 55-32(c), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the word "the" following the word "of" and preceding the word "Chapter" in line two thereof and substituting in lieu thereof the word "this".

Sec. 36. G. S. 55-69(c), as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the Arabic number "(1)" in line four thereof and substituting in lieu thereof the letter "(l)".

Sec. 37. G. S. 55-108.1 as the same appears in the 1957 Cumulative Supplement to the General Statutes, is hereby amended by striking out the word "domestic" in line three thereof between the words "surviving" and "corporation".

Sec. 38. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 39. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day or June, 1959.

S. B. 502 CHAPTER 1317

AN ACT TO AMEND SUBSECTION 43 OF G. S. 153-9 RELATING TO TAX LEVIES BY COUNTIES FOR CERTAIN SPECIAL PURPOSES SO AS TO MAKE THE PROVISIONS THEREOF APPLICABLE TO YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 43 of G. S. 153-9, as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by striking out the word "and" immediately following the word "Warren" and immediately preceding the word 'Wilkes", in the last line of said subsection, and substituting in lieu thereof a comma.

Sec. 2. Subsection 43 of G. S. 153-9, as the same appears in the 1957 Cumulative Supplement to Volume 3C of the General Statutes, is further amended by changing the period after the word "Wilkes" to a comma, in the last line of said subsection, and adding immediately following said comma the words "and Yadkin."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day or June, 1959.

S. B. 508 **CHAPTER 1318**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HARNETT COUNTY TO INCREASE THE SPECIAL TAX LEVY FOR THE COUNTY FARM AGENT AND HOME DEMONSTRATION AGENT FROM THREE TO FIVE CENTS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 349 of the Session Laws of 1945 is hereby amended by striking out the words and figures "three cents (3¢)" in line 3 of Section 1 and inserting in lieu thereof the words and figures "five cents (5¢)" and by striking out the words and figures "fifteen cents (15¢)" in line 4 of said Section and inserting in lieu thereof the words and figures "twenty cents (20¢)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 20th day or June, 1959.

H. B. 388 **CHAPTER 1319**

AN ACT TO FIX THE TERMS, THE COMPENSATION AND RETIREMENT BENEFITS OF MEMBERS OF THE UTILITIES COMMISSION, AND TO PROVIDE FOR THE ASSIGNMENT OF RETIRED COMMISSIONERS TO EMERGENCY DUTY ON THE COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-1 is hereby rewritten to read as follows:

"G. S. 62-1. Number and Appointment of Commissioners; Terms. The North Carolina Utilities Commission shall consist of five Commissioners who shall be appointed by the Governor. The terms of the Commissioners now serving shall expire on the first day of July next after the expiration of the term for which they have been appointed and their successors shall be appointed for terms of six years commencing on the first day of July of the year of expiration of the present terms; provided, however, the appointment to fill the existing vacancy in a four-year term shall be for a full six-year term expiring on July 1, 1965. The salary of each Commissioner shall be the sum of twelve thousand dollars ($12,000.00) per year, except that the Commissioner designated as Chairman shall receive five hundred dollars ($500.00) additional compensation per annum. The prohibition of the practice of law by judges provided in G. S. 7-59 shall also apply to members of the Utilities Commission."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day or June, 1959.

H. B. 399 **CHAPTER 1320**

AN ACT TO AMEND G. S. 20-185 RELATING TO EXPENSE ALLOWANCES FOR CERTAIN EMPLOYEES OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-185, as the same appears in the 1957 Supplement to the General Statutes, is amended by adding a new subsection immediately following subsection (g) to be designated as subsection (h) and to read as follows:

"(h) In addition to the salary now established or which may hereafter be established for driver license examiners, such employees shall be paid the sum of twenty-five dollars ($25.00) per month, payable monthly, as a subsistence allowance. This subsistence allowance shall be in addition to all allowances for subsistence and travel expenses which are otherwise provided by law."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day or June, 1959.

H. B. 498 **CHAPTER 1321**

AN ACT TO AUTHORIZE A SPECIAL COMMISSION TO CELEBRATE THE 250TH ANNIVERSARY OF THE TOWN OF NEW BERN, AND TO MAKE AN APPROPRIATION THEREFOR.

WHEREAS, the year 1960 will mark the 250th Anniversary of the founding of the Town of New Bern in Craven County by Baron de Graffenried and numbers of German, Swiss, and other colonists whom he brought to the town; and

WHEREAS, the Town of New Bern is the site of Tryon Palace, first permanent Capitol of North Carolina, a splendid structure that has recently been restored and opened to the public at a cost of more than three million dollars ($3,000,000.00) from private donations; and

WHEREAS, various municipalities and counties of North Carolina have within recent years celebrated their anniversaries, and the State of North Carolina has made appropriations for such purposes; and

WHEREAS, the Town of New Bern, the County of Craven, and private sources except to appropriate or otherwise raise considerable sums of money in this connection; and

WHEREAS, plans are being made to produce an outstanding historical drama in connection with the celebration during the summer of 1960, and to conduct appropriate and impressive ceremonies of other kinds, all of which will serve as significant educational and tourist attractions: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby authorized and established the New Bern 250th Anniversary Commission, a special commission to consist ex officio of the State Superintendent of Public Instruction, the Director of the Department of Conservation and Development, the Director of the Department of Archives and History, the Chairman of the Board of County Commissioners of Craven County, the Mayor of the Town of New Bern, and twenty other persons to be appointed by the Governor.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day or June, 1959.

H. B. 581 CHAPTER 1322

AN ACT APPROPRIATING FUNDS TO THE STATE BOARD OF EDUCATION FOR A PROGRAM OF EDUCATION BY TELEVISION IN THE SCHOOLS OF THE STATE.

WHEREAS, the Fund for the Advancement of Education and North Carolina school systems have cooperated in the conduct of an experiment in teaching by television in the schools of the State during the 1957-1958 and 1958-1959 school years; and

WHEREAS, the said Foundation will continue an appropriation on a limited basis for the experiment during the 1959-1960 school year; and

WHEREAS, school systems throughout North Carolina desire to continue the experiment and are paying a portion of the cost involved; and

WHEREAS, results of the experiment to date appear to justify a continuation and extension of the experiment: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That there is hereby appropriated to the State Board of Education the sum of twenty-five thousand dollars ($25,000.00) for the first year of the biennium beginning July 1, 1959, and fifty thousand dollars ($50,000.00) for the second year of the biennium for the purpose of conducting in the public schools of the State a program of teaching through the use of television. Upon the recommendation of the State Superintendent of Public Instruction the State Board of Education shall adopt standards for courses of instruction through television to be offered in the public schools of the State and the State Board of Education shall allocate the funds appropriated for this purpose to the county and city administrative units of the State which comply with the standards so established. Said appropriation shall be expended by county and city boards of education for payment of the salaries of competent teachers; for the administration of the program; for the operation of the studio; for the salaries of the personnel employed at the studio; for the pur-

chase of materials; for the cost of operating a transmitter; and for other costs found by the State Board of Education to be necessary to the operation of the program.

The State Board of Education is authorized to provide in its standards that participating administrative units shall support the program, in part, with local funds, the ratio to the determined by the Board.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day or June, 1959.

H. B. 709 CHAPTER 1323

AN ACT TO CREATE THE STATE LAW ENFORCEMENT OFFICERS' DEATH BENEFIT ACT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 143 of the General Statutes is hereby amended by inserting a new Article, to be numbered Article 12A, between Article 12 and Article 13 of said Chapter and to read as follows:

"Article 12A

State Law Enforcement Officers' Death Benefit Act

"§ 143-167. Purpose. In consideration of hazardous public service rendered to the State and as deferred compensation to law enforcement officers employed by the State, there is hereby provided a system of death benefits for dependents who are closely related to such officers as may be violently killed in the discharge of their official duties.

"§ 143-167.1. Definitions. The following words and phrases, when used in this Article, shall have the meanings assigned to them by this Section unless the context clearly indicates another meaning:

"(a) The term 'State law enforcement officer' or the term 'officer' shall mean officers and members of the State Highway Patrol and officers and special agents of the State Bureau of Investigation.

"(b) The term 'widow' shall mean the wife of an officer who survives him and who was residing with such officer at the time of and during the six months next preceding the time of violent injury to such officer which resulted in his death and who also resided with such officer from the date of injury up to and at the time of his death;

"(c) The term 'dependent child' shall mean any unmarried child of the deceased officer, whether natural, adopted or posthumously born, who was under eighteen years of age and dependent upon and receiving his chief support from said officer at the time of his death;

"(d) The term 'dependent parent' shall mean a parent of an officer, whether natural or adoptive, who was dependent upon and receiving his chief support from the officer at the time of the violent injury which resulted in his death.

"(e) The term 'violently killed' shall mean death of an officer resulting from wounds intentionally inflicted on such officer by any assailant, known or unknown.

"§ 143-167.2. Payments; determination. When any State law enforcement officer shall be violently killed while in the discharge of his official duties, the Council of State shall award the total sum of ten thousand dollars ($10,000.00) as follows:

(1) to the widow of such officer if there be a surviving widow; or

(2) if there be no widow qualifying under the provisions of this Article, then said sum shall be awarded to any surviving dependent child of said officer, and if there is more than one surviving dependent child, then said sum shall be awarded to and equally divided among all surviving dependent children; or

(3) if there be no widow and no dependent child or children qualifying under the provisions of this Article, then the sum shall be awarded to the surviving dependent parent of such officer; and if there be more than one surviving dependent parent, then said sum shall be awarded to and equally divided between the surviving dependent parents of said officer.

"§ 143-167.3. Funds; conclusiveness of award. Such awards of death benefits as are provided for by this Article shall be made by the Council of State from the Contingency and Emergency Fund and such amounts as may be required to pay benefits provided for by this Article are hereby appropriated from said fund for this special purpose.

"The Council of State shall have power to make necessary rules and regulations for the administration of the provisions of this Article. It shall be vested with power to make all determinations necessary for the administration of this Article and all of its decisions and determinations shall be final and conclusive and not subject to review or reversal except by the Council itself. The Council of State shall keep a record of all proceedings conducted under this Article and shall have the right to subpoena any persons and records which it may deem necessary in making its determinations, and the Council shall further have the power to require all persons called as witnesses to testify under oath or affirmation, and any member of the Council of State may administer oaths. If any person shall refuse to comply with any subpoena issued hereunder or to testify with respect to any matter relevant to proceedings conducted under this Article, the Superior Court of Wake County, on application of the Council of State, may issue an order requiring such person to comply with the subpoena and to testify; and any failure to obey any such order of the court may be punished by the court as for contempt.

"§ 143-167.4. Other benefits not affected. None of the other benefits now provided for State law enforcement officers or their dependents by the Workmen's Compensation Act or other laws shall be affected by the provisions of this Article, and the benefits provided for herein shall not be diminished, abated or otherwise affected by such other provisions of law.

"§ 143-167.5. Awards exempt from taxes. Any award made under the provisions of this Article shall be exempt from taxation by the State

or any political subdivision thereof, but so much of any such award as may be necessary to satisfy any valid claims of creditors against the deceased officer may be liable therefor, but the Council of State shall not be responsible for any determination of the validity of such claims and shall distribute the death benefits awards directly to the dependent or dependents entitled thereto under the provisions of this Article."

Sec. 2. The provisions of this Act shall also apply and be in full force and effect with respect to any State law enforcement officer violently killed in the discharge of his official duties on or after January 1, 1949.

Sec. 2½. The provisions of this Act shall not apply to any State law enforcement officer accidentally or violently killed in the discharge of his official duties after the ratification of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 760 CHAPTER 1324

AN ACT TO CLARIFY AND AMEND THE PROVISIONS OF THE WORKMEN'S COMPENSATION ACT AS IT RELATES TO RIGHTS AND REMEDIES AGAINST THIRD PERSONS.

The General Assembly of North Carolina do enact:

Section 1. That Article I of Chapter 97 of the General Statutes be amended by deleting Section 10 thereof and substituting in lieu thereof the following:

"Section 97-10.1. If the employee and the employer are subject to and have accepted and complied with the provisions of this Article, then the rights and remedies herein granted to the employee, his dependents, next of kin, or personal representative shall exclude all other rights and remedies of the employee, his dependents, next of kin, or representative as against the employer at common law or otherwise on account of such injury or death."

"Section 97-10.2. (1) The right to compensation and other benefits under this Article for disability, disfigurement, or death shall not be affected by the fact that the injury or death was caused under circumstances creating a common law liability in some person other than the employer to pay damages therefor, such person hereinafter being referred to as the 'third party'. The respective rights and interests of the employee-beneficiary under this Article, the employer, and the employer's insurance carrier, if any, in respect of the common law cause of action against such third party and the damages recovered shall be as set forth in this Section.

(2) The employee, or his personal representatives if he be dead, shall have the exclusive right to proceed to enforce the liability of the third party by appropriate proceedings if such proceedings are instituted not

later than twelve months after the date of injury or death, whichever is later. During said twelve-month period, and at any time thereafter if summons is issued against the third party during said twelve-month period, the employee or his personal representative shall have the right to settle with the third party and to give a valid and complete release of all claims to the third party by reason of such injury or death, subject to the provisions of (8) below.

(3) If settlement is not made and summons is not issued within said twelve-months period, and if the employer shall have filed with the Industrial Commission a written admission of liability for the benefits provided by this Chapter, then all rights of the employee, or his personal representative if he be dead, against the third party shall pass by operation of law to the employer upon the expiration of said twelve-months period. All such rights shall then remain in the employer until sixty (60) days before the expiration of the period fixed by the statute of limitations applicable to such rights and if the employer shall not have settled with or instituted proceedings against the third party within such time, then all such rights shall revert to the employee or his personal representative sixty (60) days before the expiration of the applicable statute of limitations.

(4) The person in whom the right to bring such proceeding or make settlement is vested shall, during the continuation thereof, also have the exclusive right to make settlement with the third party and the release of the person having the right shall fully acquit and discharge the third party except as provided by (8) below. A proceeding so instituted by the person having the right shall be brought in the name of the employee or his personal representative and the employer or the insurance carrier shall not be a necessary or proper party thereto. If the employee or his personal representative should refuse to cooperate with the employer by being the party plaintiff, then the action shall be brought in the name of the employer and the employee or his personal representative shall be made a party plaintiff or party defendent by order of court.

(5) The amount of compensation and other benefits paid or payable on account of such injury or death shall not be admissible in evidence in any proceeding against the third party. If the third party defending such proceeding, by answer duly served on the employer, sufficiently alleges that actionable negligence of the employer joined and concurred with the negligence of the third party in producing the injury or death, then an issue shall be submitted to the jury in such case as to whether actionable negligence of the employer joined and concurred with the negligence of the third party in producing the injury or death. The employer shall have the right to appear, to be represented, to introduce evidence, to cross-examine adverse witnesses, and to argue to the jury as to this issue as fully as though he were a party although not named or joined as a party to the proceeding. Such issue shall be the last of the issues submitted to the jury. If the verdict shall be that actionable negligence of the employer did join and concur with that of the third party in producing the injury or death, then the court shall reduce the damages

awarded by the jury against the third party by the amount which the employer would otherwise be entitled to receive therefrom by way of subrogation hereunder and the entire amount recovered, after such reduction, shall belong to the employee or his personal representative free of any claim by the employer and the third party shall have no further right by way of contribution or otherwise against the employer, except any right which may exist by reason of an express contract of indemnity between the employer and the third party, which was entered into prior to the injury to the employee.

(6) (a) If the employer has filed a written admission of liability for benefits under this Chapter with, or if an award final in nature in favor of the employee has been entered by, the Industrial Commission, then any amount obtained by any person by settlement with, judgment against, or otherwise from the third party by reason of such injury or death shall be disbursed by order of the Industrial Commission for the following purposes and in the following order of priority:

1. First to the payment of actual court costs taxed by judgment.

2. Second to the payment of the fee of the attorney representing the person making settlement or obtaining judgment, and such fee shall not be subject to the provisions of Section 90 of this Chapter but shall not exceed one-third of the amount obtained or recovered of the third party.

3. Third to the reimbursement of the employer for all benefits by way of compensation or medical treatment expense paid or to be paid by the employer under award of the Industrial Commission.

4. Fourth to the payment of any amount remaining to the employee or his personal representative.

(b) The attorney fee paid under (a) shall be paid by the employee and the employer in direct proportion to the amount each shall receive under (a) 3 and (a) 4 hereof and shall be deducted from such payments when distribution is made.

(7) The insurance carrier affording coverage to the employer under this Chapter shall be subrogated to all rights and liabilities of the employer hereunder but this shall not be construed as conferring any other or further rights upon such insurance carrier than those herein conferred upon the employer, anything in the policy of insurance to the contrary notwithstanding.

(8) In any proceeding against or settlement with the third party, every party to the claim for compensation shall have a lien to the extent of his interest under (6) hereof upon any payment made by the third party by reason of such injury or death, whether paid in settlement, in satisfaction of judgment, as consideration for covenant not to sue, or otherwise and such lien may be enforced against any person receiving such funds. Neither the employee or his personal representative nor the employer shall make any settlement with or accept any payment from the third party without the written consent of the other and no release to or agreement with the third party shall be valid or enforceable for any purpose unless both employer and employee or his personal representative join therein; provided, that this sentence shall not apply if the employer

is made whole for all benefits paid or to be paid by him under this Chapter less attorney's fees as provided by (6) (a) and (b) hereof and the release to or agreement with the third party is executed by the employee.

(9) Institution of proceedings against or settlement with the third party, or acceptance of benefits under this Chapter, shall not in any way or manner affect any other remedy which any party to the claim for compensation may have except as otherwise specifically provided in this Chapter, and the exercise of one remedy shall not in any way or manner be held to constitute an election of remedies so as to bar the other."

"Section 97-10.3. In any case where an employer and employee are subject to the provisions of this Chapter, any injury to a minor while employed contrary to the laws of this State shall be compensable under this Chapter as if said minor were an adult, subject to the other provisions of this Chapter."

Sec. 2. That this Act shall be in full force and effect from and after its ratification but shall not apply to any injury occurring before the ratification hereof.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 871 **CHAPTER 1325**

AN ACT TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL FILL VACANCIES OCCURRING IN THE BOARD IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-6, as the same appears in Volume 3C of the General Statutes of North Carolina, is hereby amended by changing the period at the end of said Section to a colon and adding the following:

"Provided that in the following counties, the board of county commissioners shall appoint to said office some person for the unexpired term: Alexander, Anson, Avery, Brunswick, Burke, Camden, Caswell, Chatham, Chowan, Columbus, Duplin, Durham, Forsyth, Gates, Graham, Gaston, Greene, Haywood, Hertford, Johnston, Lenoir, Lincoln, McDowell, Montgomery, Nash, New Hanover, Northampton, Orange, Pasquotank, Pitt, Rockingham, Rowan, Stanly, Swain, Transylvania and Yadkin."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 950 **CHAPTER 1326**

AN ACT TO PROVIDE FOR PURCHASE OF ADEQUATE LIABILITY INSURANCE COVERAGE ON ALL STATE-OWNED MOTOR VEHICLES UNDER THE CONTROL OF THE GENERAL SERVICES DIVISION.

The General Assembly of North Carolina do enact:

Section 1. Subdivision (i) of G. S. 129-5(9) is hereby amended by rewriting said subdivision to read as follows:

"To acquire motor vehicle liability insurance on all State-owned motor vehicles under the control of the Division."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after date of ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 957 **CHAPTER 1327**

AN ACT TO APPROPRIATE THE SUM OF FIFTEEN THOUSAND DOLLARS ($15,000.00) TO THE CONFEDERATE WOMEN'S HOME AT FAYETTEVILLE, NORTH CAROLINA, FOR CAPITAL IMPROVEMENTS AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Governor and Council of State may in their discretion allot additional funds from the Contingency and Emergency Fund for completion of the renovation project of the Confederate Women's Home at Fayetteville, North Carolina.

Sec. 2. The sum heretofore appropriated by the 1957 General Assembly for building repair and renovation may also be used for any of the purposes enumerated in Section 1 of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1057 **CHAPTER 1328**

AN ACT TO PAY SIX PER CENT INTEREST TO PRIME CONTRACTORS ON FINAL PAYMENTS DUE THEM NOT PAID WITHIN THIRTY DAYS AFTER FINAL COMPLETION, OCCUPANCY, OR ACCEPTANCE OF STATE BUILDINGS.

The General Assembly of North Carolina do enact:

Section 1. Article 8 of Chapter 143 of the General Statutes of North Carolina, 1958 Replacement Volume 3B, is amended by adding a new Section

immediately following G. S. 143-134, to be designated as G. S. 143-134.1 and to read as follows:

"G. S. 143-134.1. On all public construction contracts which are let by a board or governing body of the State government or any political subdivision thereof, except the construction of roads, highways, bridges and their approaches, the balance due prime contractors shall be paid in full within forty-five days after respective prime contracts of the project have been accepted by the owner, certified by the architect or designer to be completed in accordance with terms of the plans and specifications, or occupied by the owner and used for the purposes for which the project was constructed, which ever occurs first. Provided, however, that whenever the architect or consulting engineer in charge of the project determines that delay in completion of the project in accordance with terms of the plans and specifications is the fault of the contractor, the project may be occupied and used for the purposes for which it was constructed without payment of any interest on amounts withheld past the forty-five-day limit. No payment shall be delayed because of the failure of another prime contractor on such project to complete his contract. Should final payment to any prime contractor beyond the date such contracts have been certified to be completed by the designer or architect, accepted by the owner, or occupied by the owner and used for the purposes for which the project was constructed, be delayed by more than forty-five days, said prime contractor shall be paid interest, beginning on the 46th day, at the rate of six per cent (6%) per annum on such unpaid balance as may be due. Funds for payment of such interest on State-owned projects shall be obtained from the current budget of the owning department, institution, or agency. Where a conditional acceptance of a contract exists, and where the owner is retaining a reasonable sum pending correction of such conditions, interest on such reasonable sum shall not apply."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1089 **CHAPTER 1329**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MITCHELL COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF SUPPLEMENTING RETIREMENT BENEFITS OF RETIRED COUNTY OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Mitchell County is hereby authorized, in its discretion, to levy annually on all taxable property in the county a tax at the rate of not exceeding one cent (1¢) per one hundred dollars ($100.00) property valuation for the express

purpose of providing supplemental payments or benefits for county officials and employees who were members of the Local Governmental Employees' Retirement System and who have retired from service. The General Assembly does hereby give special approval for the levy of such tax.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1141 CHAPTER 1330

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO EMPLOY ADDITIONAL PERSONNEL IN ORDER TO ENABLE IT TO MORE ADEQUATELY CARRY OUT THE DUTIES AND FUNCTIONS OF THE BOARD AND TO MAKE AN APPROPRIATION FOR THIS PURPOSE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the general fund to the State Board of Education the sum of twelve thousand five hundred dollars ($12,500.00) for each year of the biennium 1959-1961 to be used by the Board to employ additional personnel in order to enable the Board to more adequately carry out the duties and functions of the Board as provided by law.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1150 CHAPTER 1331

AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF BENTONVILLE BATTLEGROUND STATE HISTORIC SITE.

WHEREAS, the Battle of Bentonville, March 19-21, 1865, was the largest battle ever fought on North Carolina soil and one of the important battles of the Civil War; and

WHEREAS, the old Harper House located on the battlefield, and owned by the State of North Carolina, is a large and commodious structure and is historically important in that it was used by both Union and Confederate forces as a hospital during and after the battle; and

WHEREAS, a building is needed to house museum exhibits illustrating the battle, to provide a place for the public to obtain information for touring the 16,000-acre battle area, and to provide living quarters for the superintendent in charge of the project; and

WHEREAS, the Harper House, if repaired, reconditioned, and equipped, will provide suitable space for these purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. An appropriation of seven thousand five hundred dollars ($7,500.00) for the fiscal year 1959-60 from the General Fund to the State Department of Archives and History to be used for repairs and alterations to the Harper House at Bentonville Battleground.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1263 CHAPTER 1332

AN ACT TO PROVIDE FOR ELECTIONS ON THE QUESTION OF ANNEXING CERTAIN AREAS IN DURHAM COUNTY TO THE DURHAM CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. When the city limits of the City of Durham have been extended under the provisions of Chapter 1099 of the Session Laws of 1957 or any other applicable law, the Board of Commissioners of Durham County, subject to the approval of the Board of Education of the Durham City Administrative School Unit and the Board of Education of Durham County, shall call an election to be held in those areas so annexed to the corporate limits of the City of Durham, and which have not theretofore been included within the boundaries of the Durham City Administrative School Unit, on the question of whether or not such annexed areas shall become a part of and be included within the boundaries of Durham City Administrative School Unit; provided, that the calling of such an election shall be approved by the Board of Education of the Durham City Administrative School Unit and the Board of Education of Durham County as soon as there is adequate classroom space in the City Administrative School Unit to accommodate the pupils of such annexed area, and provided further, that in the event there is insufficient classroom space to accommodate all pupils in the entire annexed area, such an election shall be approved and called for such part of the annexed area as the Board of Education of the Durham City Administrative School Unit finds there to be adequate classroom space to accommodate the pupils therein. The ballots to be used in said election shall have written or printed thereon the words, "For Enlargement of the Durham City Administrative Unit and school tax of the same rate." and "Against Enlargement of the Durham City Administrative Unit and school tax of the same rate". At said election, if a majority of the qualified voters voting at such election shall vote in favor of such enlargement of such areas and school tax of the same rate, then such areas shall be consolidated with the Dur-

ham City Administrative School Unit, effective July first next following such election, and there shall thereafter be levied in such areas so consolidated with the said Administrative School Unit the same school taxes as shall be levied in the other portions of the Durham City Administrative Unit, and the citizens and property within the areas so annexed shall enjoy the same rights as citizens and property within the boundaries of the said Administrative School Unit enjoyed and were liable for prior to the election.

In all elections called and held under this Act a new registration of qualified voters of the areas concerned shall be ordered. Notice of said new registration shall be given by publication in some newspaper having a circulation in such areas at least twenty (20) days prior to the close of the registration books. Such published notice of registration shall state the days on which the books will be open for the registration of voters and the place or places at which the books will be open on Saturdays. The books of such registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act such election shall be held in accordance with the law governing general elections.

The Board of Commissioners of Durham County shall designate the polling place or places, appoint the registrars and judges of election, canvass and judicially determine the result of said election when the returns have been filed with them by the officers holding the election and record such determination on their records. In all cases where an election is called and held under the provisions of this Act, and a majority of the qualified voters voting at such election voted in favor of such enlargement of such areas and school tax of the same rate and the results of such election have been officially determined and recorded in the minutes of the Board of Commissioners, the validity of such election, and of the registration for such election, shall not be open to question except in an action or proceeding commenced within thirty days after the determination of the results of such election.

All other details of said election shall be fixed by the Board of Commissioners of Durham County, and the expenses of holding and conducting the election shall be provided by the Durham Administrative School Unit.

Sec. 1½. The provisions contained in this Act shall be supplementary and in addition to and not in lieu of the provisions contained in G. S. 115-118.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1335 **CHAPTER 1333**

AN ACT TO CLARIFY THE TAXABLE STATUS OF PROPERTY WITHIN THE TERRITORY NEWLY ANNEXED BY THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. All taxable property within the territory annexed by the City of Charlotte pursuant to Chapter 802 of the Session Laws of 1957 and the election held thereunder shall be subject to all municipal taxes levied for the fiscal year 1960-61 including ad valorem taxes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1344 **CHAPTER 1334**

AN ACT APPROPRIATING FUNDS TO THE STATE DEPARTMENT OF AGRICULTURE FOR THE PURPOSE OF EMPLOYING ADDITIONAL AUDITORS TO IMPLEMENT THE REPORTING REQUIREMENTS OF THE FEED AND FERTILIZER LAWS.

The General Assembly of North Carolina do enact:

Section 1. That there be and there is hereby appropriated to the State Department of Agriculture, for the 1959-61 biennium, for the purpose of employing one additional auditor, Classification II, for the purpose of implementing the mandatory reporting of feed and fertilizer tonnage for the purpose of collecting the inspection fees fixed by law:

	1959-1960	1960-1961
Salaries	$ 3,771.50	$ 4,764.00
Travel	1,550.00	2,000.00
TOTAL	$ 5,321.50	$ 6,764.00

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1354 **CHAPTER 1335**

AN ACT RELATING TO THE MAYOR'S COURT IN THE TOWN OF WHITEVILLE, COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Recorder's Court of Columbus County sitting in the Town of Whiteville shall, in addition to its other jurisdiction, have original and concurrent jurisdiction, as the case may be, of all offenses committed within the corporate limits of the Town of Whiteville which are now or may hereafter be given to justices of the peace under the Constitution and general laws of North Carolina, including all offenses of which the mayor or other municipal court now has jurisdiction.

Sec. 2. Warrants and other legal processes issued by officials in the Town of Whiteville may be issued by a justice of the peace and made returnable to the County Recorder's Court sitting in the Town of Whiteville.

Sec. 3. The governing body of the Town of Whiteville and the County Commissioners of Columbus County shall be authorized to determine by agreement the apportionment of court costs between the Town of Whiteville and the County of Columbus in those cases in the Recorder's Court of Columbus County wherein the warrants or other legal processes are issued by officials of the Town of Whiteville.

Sec. 4. This Act shall apply only to Columbus County.

Sec. 5. Sections 22 and 23 of Chapter 267 of ,the Private Laws of 1891, Chapter 591 of the Public Laws of 1907, Chapter 143 of the Public and Private Laws of 1908, Chapter 667 of the Session Laws of 1953, and all other laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1959.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1355 **CHAPTER 1336**

AN ACT TO INCREASE THE SALARY OF THE SHERIFF OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salary of the Sheriff of Wake County shall be nine thousand dollars ($9,000.00) per year, payable in equal monthly installments, in full for his services as such officer.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1960.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1356 **CHAPTER 1337**

AN ACT TO INCREASE THE SALARY OF THE CLERK OF SUPERIOR COURT OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salary of the Clerk of Superior Court of Wake County shall be ten thousand two hundred dollars ($10,200.00) per year, payable in equal monthly installments, in full for his services as such officer.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1960.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. B. 1362 **CHAPTER 1338**

AN ACT TO AMEND CHAPTER 1280 OF THE SESSION LAWS OF 1957 RELATING TO DELINQUENT TAXES IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1280 of the Session Laws of 1957 is hereby amended by adding a new Section immediately following Section 3, to be designated as Section 3½, and to read as follows:

"Sec. 3½. After complete payment has been made for all expenses involved in the above-described courthouse annex construction, all delinquent taxes, levied on a county-wide basis, thereafter collected by Harnett County shall be paid into the General Fund of the county: Provided, whenever in the opinion of the board of county commissioners it is deemed advisable in the future, said board may cause such delinquent taxes to be expended to construct one or more annexes to the courthouse, in lieu of paying the same into the General Fund."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

RESOLUTIONS

S. R. 1 RESOLUTION 1

A JOINT RESOLUTION INFORMING HIS EXCELLENCY, THE GOVERNOR, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS.

Resolved by the Senate, the House of Representatives concurring:

Section 1. A committee of two on the part of the Senate and three on the part of the House of Representatives shall be appointed to notify His Excellency, the Governor, that the General Assembly is organized and now ready to proceed with public business and invite him to deliver any messages that he may have and at such times as he may desire, either in person or in writing.

Sec. 2. This Resolution shall be in force from and after its adoption.

In the General Assembly read three times and ratified, this the 5th day of February, 1959.

S. R. 2 RESOLUTION 2

A JOINT RESOLUTION INVITING HIS EXCELLENCY, THE GOVERNOR, TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT TWELVE NOON, FEBRUARY 5, 1959.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. His Excellency, the Governor, is hereby invited to address a Joint Session of the General Assembly at 12 noon, February 5, 1959.

Sec. 2. A committee of two from the Senate shall be appointed by the President and three from the House of Representatives shall be appointed by the Speaker to extend this invitation.

Sec. 3. This Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 5th day of February, 1959.

S. R. 4 RESOLUTION 3

A JOINT RESOLUTION INVITING HIS EXCELLENCY, THE GOVERNOR, TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT 8:00 P. M., FEBRUARY 9, 1959.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. His Excellency, the Governor, is hereby invited to address a Joint Session of the General Assembly at 8:00 P. M., February 9, 1959.

Sec. 2. A committee of two from the Senate shall be appointed by the President and three from the House of Representatives shall be appointed by the Speaker to extend this invitation.

Sec. 3. This Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of February, 1959.

H. R. 1

RESOLUTION 4

A JOINT RESOLUTION OF RESPECT TO THE MEMORY OF THE HONORABLE SHELLEY B. CAVINESS (1901-1958).

WHEREAS, in December, 1958, the State of North Carolina and the County of Guilford suffered a great public loss in the untimely death of Shelley B. Caviness, who died at the age of fifty-eight years, while on a visit in Miami, Florida; and

WHEREAS, Shelley B. Caviness during the years of his life gave of his time, energy and talents to an unusual degree in the interest of his neighbors, friends and to the public service of the State of North Carolina; and

WHEREAS, both North Carolina and Guilford County in his death have lost a distinguished and patriotic citizen whose public career was marked by great devotion to the State and zeal in its service; and

WHEREAS, Shelley B. Caviness earned the reputation as one of the better lawyers of the State, being recognized by both the legal profession and the laity for the keenness of his mind, the broadness of his learning and the acumen of his strategical ideas which combined with his utter realism and absolute integrity of his character made his services as a lawyer sought both as an advocate and a counselor; and

WHEREAS, he served the Democratic Party devotedly both as a worker in the ranks and as a member of its organization; and

WHEREAS, he occupied a number of positions of public service with credit to the State and distinction to himself, including Judge pro tem, Greensboro Municipal Court, Judge Civil Division, Greensboro Municipal Court, member of the Board of Trustees of A. and T. College, Greensboro, North Carolina, and Vice-Chairman of the Board of Trustees of A. and T. College, Greensboro, North Carolina; and

WHEREAS, he represented the County of Guilford in the House of Representatives in the Sessions of 1941, 1943, 1945 and 1949, where his service was distinguished by great industry, intelligence and zeal in the behalf of liberal measures and for the betterment of the people of North Carolina. That among other things, as a member of the House of Representatives, he introduced and championed the measure whereby the State of North Carolina assumed responsibility for the nine-months school term; and

WHEREAS, he served, during World War II, as a Major in the North Carolina State Guard and always responded to the call of duty and of service to his State, country and fellow man:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the untimely death of Shelley B. Caviness both the State of North Carolina and Guilford County have lost an able, loyal and devoted citizen.

Sec. 2. That the General Assembly of North Carolina desires by this Resolution to give formal expression of its deep and sincere appreciation of the life and character of Shelley B. Caviness and gratitude for his public service.

Sec. 3. That when the General Assembly adjourns on the 4th day of February, 1959, it adjourns in memory of Shelley B. Caviness and in respect to his useful life.

Sec. 4. That a copy of this Resolution, duly certified, shall be furnished Mrs. Shelley B. Caviness, nee Virginia Perry, of Liberty, N. C., his widow.

Sec. 5. That this Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of February, 1959.

H. R. 6 RESOLUTION 5

A JOINT RESOLUTION TO AUTHORIZE AND PROVIDE FOR THE PRINTING OF THE GOVERNOR'S BIENNIAL MESSAGE TO THE GENERAL ASSEMBLY.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. Three thousand five hundred (3,500) copies of the biennial message of His Excellency, Luther H. Hodges, Governor of North Carolina, shall be forthwith printed and delivered at the Governor's Office for such distribution of the same as he may desire to make.

Sec. 2. This Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 11th day of February, 1959.

H. R. 20 RESOLUTION 6

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF AND HONORING THE MEMORY OF THE HONORABLE CHARLES WALLACE TATEM, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

WHEREAS, the Honorable Charles Wallace Tatem of the town of Columbia, Tyrrell County, served as a member of the House of Representatives for six consecutive sessions, 1927-1937, and the Session of 1949, with credit and honor to himself, his county and State; and

WHEREAS, the said Charles Wallace Tatem has contributed much to the success and development of his county and State, having served unselfishly, diligently and forceful for the betterment of education, social culture, roads, bridges and the general living conditions therein; the South

Albemarle area, and as chairman of various committees in the House of Representatives, of which one was the Roads Committee during the Session of 1935; and

WHEREAS, the said Honorable Charles Wallace Tatem, departed this life on March 24, 1958:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. In the death of the Honorable Charles Wallace Tatem, the State of North Carolina has lost one of its most useful, loyal and capable citizens.

Sec. 2. The General Assembly of North Carolina does hereby express its highest appreciation of him as a citizen and servant of the State and extends its sympathy to his surviving three daughters.

Sec. 3. That when the General Assembly adjourns on the 10th day of February, 1959, it do adjourn in memory of Charles Wallace Tatem.

Sec. 4. A copy of this Resolution shall be sent to Mrs. Raymond S. Leary and Mrs. Alma T. Disosway of Columbia, North Carolina, and to Mrs. P. M. Arps of Plymouth, North Carolina.

Sec. 5. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 12th day of February, 1959.

H. R. 21 RESOLUTION 7

A JOINT RESOLUTION COMMEMORATING THE 200TH ANNIVERSARY OF THE ESTABLISHMENT OF HERTFORD COUNTY.

WHEREAS, the County of Hertford was formed in 1759 from parts of Chowan, Bertie, and Northampton Counties; and

WHEREAS, it has been determined that the 200th anniversary of the founding of Hertford County should be properly observed as "The Hertford County Bicentennial," such observance to be held during 1959; and

WHEREAS, since its formation Hertford County has contributed much in the life's history and quality of living in North Carolina:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The State of North Carolina and its Governor, the Honorable Luther H. Hodges, do hereby unite with the citizens of Hertford County in extending to the citizens and residents of the State and to the absent sons and daughters of the County a cordial invitation to assemble in the said County, on a date later to be fixed, for appropriate and due celebration of the creation of said County and to glory in its history of progress among its sister counties of the State.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 13th day of February, 1959.

H. R. 2

RESOLUTION 8

A JOINT RESOLUTION TO ACCEPT THE INVITATION OF THE TRYON PALACE COMMISSION TO ATTEND THE DEDICATION AND THE OFFICIAL OPENING OF TRYON PALACE AND TO MOVE THE SITTINGS OF THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED FIFTY NINE TO NEW BERN, CRAVEN COUNTY, NORTH CAROLINA, FOR ONE DAY.

WHEREAS, by Chapter 791 of the Public Laws, the General Assembly of North Carolina of 1945 created the Tryon Palace Commission for the purpose of supervising the restoration of Tryon Palace, which was destroyed by fire in 1798, and managing and maintaining the Palace after it had been restored to its original condition and beauty; and

WHEREAS, in 1770 Tryon Palace became the first fixed Colonial Capitol of North Carolina, and in the Palace, on August 25, 1774, met the First Provincial Congress of North Carolina, the first body of its kind to be called and held anywhere in America in defiance of British authority; and

WHEREAS, Governor Richard Caswell and other State officials, elected under the first constitution of the independent State of North Carolina, were inaugurated there on January 16, 1777; and

WHEREAS, the first General Assembly of the State of North Carolina convened in the Palace on April 7, 1777, and continued to hold its sessions there until 1794, when the State Capital was moved permanently to Raleigh; and

WHEREAS, the Tryon Palace Commission, through State appropriations, but mainly through the generosity of Mrs. Maude Moore Latham, has been able, with the collaboration of the Department of Conservation and Development and the Department of Archives and History, to discharge its mission of restoring Tryon Palace to its historic importance as an edifice of architectural beauty and authentic period appointments, of which the entire State is justly proud and which will deeply enrich the culture and economy of North Carolina through generations to come; and

WHEREAS, the Tryon Palace Commission, through its Chairman, Mrs. John A. Kellenberger, daughter of our great benefactress, Mrs. Maude Moore Latham, has graciously invited the General Assembly of North Carolina to attend the dedication ceremonies of Tryon Palace and to hold a one-day session in the first Capitol of North Carolina on April 8, 1959; and

WHEREAS, included in this official invitation are the wives of the members of the General Assembly and the Legislative Staff:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That on April 8, 1959, the General Assembly of North Carolina shall adjourn its sittings to New Bern, North Carolina, and there transact its business for one day.

Sec. 2. Be it further resolved, that the General Assembly invite His Excellency, the Honorable Luther H. Hodges, Governor of North Carolina, the Council of State and the Supreme Court of North Carolina, to accom-

pany the members of the General Assembly to New Bern on the above date, in order that the Executive, Legislative and Judicial bodies of North Carolina may manifest jointly their great interest in the historical restoration of the first permanent Capitol of North Carolina, their appreciation of the political and cultural contribution which our forebears made to the formation and development of our Commonwealth, their abiding gratitude to Mrs. Maude Moore Latham for her munificent donations to the State for the purpose of restoring Tryon Palace and their recognition of the devoted, unselfish and efficient services rendered by the members of the Tryon Palace Commission in accomplishing the historic task assigned to them by the General Assembly.

Sec. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1959.

S. R. 25 RESOLUTION 9

A JOINT RESOLUTION TO AUTHORIZE AND PROVIDE FOR THE PRINTING OF THE GOVERNOR'S BIENNIAL BUDGET MESSAGE TO THE GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. Three thousand (3,000) copies of the biennial budget message of His Excellency, Luther H. Hodges, Governor of North Carolina, shall be forthwith printed and delivered at the Governor's Office for such distribution of the same as he may desire to make.

Sec. 2. This Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 17th day of February, 1959.

S. R. 26 RESOLUTION 10

A JOINT RESOLUTION INVITING THE GENERAL ASSEMBLY TO HOLD A SESSION OF THE GENERAL ASSEMBLY IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY.

WHEREAS, the Mecklenburg Declaration of Independence was signed on May 20, 1775, preceding by more than one year the declaration signed in Philadelphia on July 4, 1776; and

WHEREAS, May 20, 1959, is the one hundred eighty-fourth anniversary of the signing of the Mecklenburg Declaration of Independence; and

WHEREAS, the governing bodies of the City of Charlotte and of the County of Mecklenburg have invited the General Assembly of North Carolina to hold a session in the City of Charlotte on Wednesday, March 4, 1959, at a place therein later to be determined;

Now, therefore, be is resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina shall on Wednesday, March 4, 1959, meet at a Regular Session in the City of Charlotte at a place therein later to be determined.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 17th day of February, 1959.

S. R. 28 RESOLUTION 11

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF AND HONOR THE MEMORY OF THE HONORABLE R. POSEY JONES, FORMER MEMBER OF THE STATE SENATE.

WHEREAS, the General Assembly of North Carolina has been profoundly grieved at the death of R. Posey Jones, a former member; and

WHEREAS, the said R. Posey Jones was a distinguished citizen of North Carolina; and

WHEREAS, the said R. Posey Jones had served in the State Senate in 1947, 1951 and 1955 Sessions of the General Assembly; and

WHEREAS, he had served his native County of Surry for four terms as a County Commissioner; and

WHEREAS, he had attained success as a business man and banker; and

WHEREAS, the General Assembly of North Carolina desires to make record of its appreciation of his life of accomplishments, and its sorrow at his death;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That in the death of R. Posey Jones the State of North Carolina has lost a useful and able citizen.

Sec. 2. That the General Assembly of North Carolina does hereby express its appreciation of him as a citizen and Legislator and hereby extends its sympathy to his family.

Sec. 3. That a copy of this Resolution be furnished to Mrs. R. Posey Jones and family at Mount Airy, North Carolina.

Sec. 4. That this Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 18th day of February, 1959.

H. R. 64 RESOLUTION 12

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF FRANCIS PICKENS BACON, FORMER STATE SENATOR AND MEMBER OF THE HOUSE OF REPRESENTATIVES FROM POLK COUNTY.

WHEREAS, the Honorable Francis Pickens Bacon, former State Senator and Representative from Polk County in the General Assembly has recently died at the age of eighty-eight; and

WHEREAS, Francis Pickens Bacon was born at Edgefield, South Carolina, on June 21, 1870, and was a member of a distinguished South Carolina family, the son of the late John Edmund and Rebecca Calhoun Pickens Bacon; was educated in the public schools of Columbia, South Carolina, and at the University of Montevideo, South America, while his father was United States Minister to the Republics of Paraguay and Uruguay; and

WHEREAS, after engaging in business in Albany, Georgia, he removed to Polk County, North Carolina, in 1897, in order to recover his health and had a very successful business career in Polk County for sixty years; and

WHEREAS, Francis Pickens Bacon served with distinction as a member of the North Carolina Senate in 1925 and again in 1937 and as a member of the House of Representatives in 1949; and

WHEREAS, Francis Pickens Bacon was a loyal churchman and served for many years as vestryman and senior warden of the Episcopal Church of the Holy Cross and in recognition of his faithful services to his church he had been elected an honorary vestryman for life; and

WHEREAS, Francis Pickens Bacon was active in civic and community affairs in his home community for many years; and

WHEREAS, the members of the General Assembly wish to express their heartfelt sympathy to the family of this distinguished citizen and to express their sorrow at his passing;

Now, therefore, be is resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of the Honorable Francis Pickens Bacon, not only the General Assembly of this State, but the State of North Carolina as a whole, has experienced a great loss at the termination of the life of this distinguished citizen and extends its deep and sincere sympathy to the members of his family.

Sec. 2. A copy of this Resolution shall be furnished to his family.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 18th day of February, 1959.

H. R. 104 RESOLUTION 13

A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM A. DEVIN, FORMER CHIEF JUSTICE OF NORTH CAROLINA.

WHEREAS, William Augustus Devin, retired Chief Justice of the Supreme Court of North Carolina, died at his home in Oxford, North Carolina, on February 18, 1959, thus bringing to an end an eighty-seven year life rich in service to the people of his beloved State and heaped with honors bestowed by that grateful people; and

WHEREAS, William A. Devin served twenty-two years as a Judge of the Superior Court, sixteen years as Associate Justice of the Supreme Court, and three years as Chief Justice of the Supreme Court; and was recognized for his outstanding judicial attainments and service by the

bestowal of the Doctor of Laws degree at the hands of both Wake Forest College and the University of North Carolina; and

WHEREAS, William A. Devin evoked love, respect and admiration from all who knew his sterling, Christian character; his whole-hearted devotion to his Church and Sunday School; his extensive legal learning; and the broad culture which gave graciousness and charm to a warm, sympathetic and understanding personality blest with a ready but gentle sense of humor; modest and unassuming; loyal to his faith and principles; diligent and impartial in the discharge of his duties; perceptive in his opinions and courageous in his judgments, his life and service exemplified the noblest ideals of the American bench and the memory of his shining life as lawyer, judge, churchman, citizen and friend will long endure;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The members of the General Assembly of North Carolina, Session of 1959, unite in expressing their appreciation for the valuable life and services contributed by this eminent citizen of North Carolina to his communities and State and as a former member of the General Assembly, Judge of the Superior Court and Justice and Chief Justice of the Supreme Court.

Sec. 2. This Resolution shall be spread upon the Journal of the House of Representatives and the Journal of the Senate as a permanent testimonial of the respect of both legislative branches of the General Assembly.

Sec. 3. The Secretary of State shall send a copy of this Resolution, certified under the seal of his office, to William A. Devin, Jr.

Sec. 4. This Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 20th day of February, 1959.

S. R. 49 RESOLUTION 14

A JOINT RESOLUTION OF RESPECT TO THE MEMORY OF THE HONORABLE RIVERS DUNN JOHNSON (1885-1958).

WHEREAS, on the 13th day of January, 1958, the State of North Carolina and the County of Duplin suffered a great loss in the untimely death of Rivers Dunn Johnson, who died at the age of seventy-three years, in Duplin County, North Carolina; and

WHEREAS, Rivers Dunn Johnson during the years of his life gave of his time, energy and talents to an unusual degree in the interest of his friends and neighbors, and to the citizens of Duplin County and the State of North Carolina; and

WHEREAS, both North Carolina and Duplin County in the death of Rivers Dunn Johnson have lost a distinguished and patriotic citizen whose public career was marked by great devotion to the State of North Carolina and zeal and energy in the service of the people he represented; and

WHEREAS, Rivers Dunn Johnson earned the reputation as one of the distinguished lawyers of the State, being recognized by both the legal profession and the public in general for the keenness of his mind, the broadness of his learning, and the acumen of his strategical ideas which combined with his utter realism and absolute integrity of his character made his service as a lawyer sought both as an advocate and a counselor; and

WHEREAS, he served the Democratic Party devotedly both as a worker in the ranks and as a member of its organization; and

WHEREAS, he occupied a number of positions of public service with credit to the State and distinction to himself and his family, including American Bar Association, North Carolina Bar Association, Duplin County Bar Association, Past President of the Sixth Judicial Bar Association of North Carolina, Mayor of the Town of Warsaw, State Senator, 1911, 1915, 1923, Extra Session 1924, 1927, 1931, 1935, 1943, 1947 and 1951, and President Pro Tem of the North Carolina Senate during the 1931 Session; and

WHEREAS, he served during World War I in the service of his country and always responded to the call of duty and of service to his State, Country and fellow man;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That in the untimely death of Rivers Dunn Johnson both the State of North Carolina and Duplin County have lost an able, loyal and devoted citizen.

Sec. 2. That the General Assembly of North Carolina desires by this Resolution to give formal expression of its deep and sincere appreciation of the life and character of Rivers Dunn Johnson and gratitude for his public service.

Sec. 3. That when the General Assembly adjourns on the 19th day of February, 1959, it adjourns in memory of Rivers Dunn Johnson and in respect to his useful life.

Sec. 4. That a copy of this Resolution duly certified shall be furnished Mrs. Rivers Dunn Johnson, his widow, of Warsaw, North Carolina, and Rivers Dunn Johnson, Jr., Warsaw, North Carolina.

Sec. 5. That this Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 20th day of February, 1959.

S. R. 47 RESOLUTION 15

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AND INVITING HONORABLE PRESTON J. MOORE, NATIONAL COMMANDER OF THE AMERICAN LEGION, TO ADDRESS THE JOINT SESSION.

WHEREAS, Honorable Preston J. Moore has recently been elected National Commander of the American Legion and will be visiting in the City of Raleigh; and

WHEREAS, it is the desire of the members of the Senate and House of Representatives to invite Mr. Moore to address a Joint Session;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. Honorable Preston J. Moore, National Commander of the American Legion, is hereby invited to address a Joint Session of the Senate and House of Representatives on Monday, March 23, 1959 at eight o'clock p. m.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 20th day of February, 1959.

S. R. 93 RESOLUTION 16

A JOINT RESOLUTION EXPRESSING APPRECIATION TO THE CHARLOTTE CHAMBER OF COMMERCE, TO THE OFFICIALS OF THE CITY OF CHARLOTTE AND OF MECKLENBURG COUNTY, AND TO THE CITIZENS OF CHARLOTTE AND MECKLENBURG COUNTY FOR THE HOSPITALITY SHOWN TO THE MEMBERS OF THE GENERAL ASSEMBLY ON THE OCCASION OF THE VISIT OF THE GENERAL ASSEMBLY TO CHARLOTTE, MARCH 4, 1959.

WHEREAS, the Charlotte Chamber of Commerce has extended to the General Assembly a cordial and most generous invitation to visit the City of Charlotte; and

WHEREAS, on accepting this invitation, the General Assembly and other invited guests have been warmly received in Charlotte and lavishly entertained; and

WHEREAS, it is a particular pleasure to the members of the Assembly to visit in a city and county which, from their earliest days and throughout their history, have played so bold and courageous a part in the affairs of this State; and

WHEREAS, the members of the Assembly are appreciative of the obvious friendliness and cordiality of all the citizens of the city and county and are most grateful for the hospitality extended; and

WHEREAS, the members of the General Assembly wish to express their appreciation to the Honorable Buell Duncan, President of the Charlotte Chamber of Commerce, to the members of the Charlotte Chamber of Commerce, to city and county officials, and to all the citizens of Charlotte and Mecklenburg;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina hereby expresses, on behalf of its members, on behalf of His Excellency The Governor, and on behalf of the members of the Council of State and other invited guests, profound gratitude to the Charlotte Chamber of Commerce, to the officials of Charlotte and Mecklenburg County, and to all the citizens of this great

and beautiful city and of this historic county for the warmth of friendship and the generosity of hospitality extended on the occasion of the visit of the General Assembly to Charlotte, March 4, 1959.

Sec. 2. Copies of this Resolution shall be given to the Charlotte Chamber of Commerce, to the Charlotte City Council and to the Board of County Commissioners of Mecklenburg County.

Sec. 3. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

H. R. 197 RESOLUTION 17

A JOINT RESOLUTION CONGRATULATING THE NORTH CAROLINA CHAPTER OF THE FUTURE BUSINESS LEADERS OF AMERICA AT ITS FIFTH ANNUAL CONVENTION.

WHEREAS, five hundred young North Carolinians representing seventy-five local groups of the North Carolina Chapter of the Future Business Leaders of America will convene in the Fifth Annual Convention in Durham, North Carolina, on Friday and Saturday, March 6 and 7, 1959; and

WHEREAS, the importance of high school and college training in the development of our future business leaders is being recognized by Friday, March 6, 1959 being proclaimed as "Future Business Leaders of America Day in North Carolina" by the Honorable Luther H. Hodges, Governor of this State; and

WHEREAS, Mr. Joe Collier, Jr., 18-year-old son of former State Representative and Mrs. T. J. Collier of Pamlico County, a Morehead Scholar, and former Page for four years in the North Carolina General Assembly, is President of the North Carolina Chapter of the Future Business Leaders of America, and in addition is National President of the Future Business Leaders of America;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina congratulates the North Carolina Chapter of the Future Business Leaders of America on its convening for its Fifth Annual Convention and wishes for it and all its members success in accomplishing the purposes and objects for which it was organized.

Sec. 2. A copy of this Resolution shall be sent to the headquarters of the North Carolina Chapter of Future Business Leaders of America.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of March, 1959.

H. R. 220 **RESOLUTION 18**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STAHLE LINN, SR., A FORMER MEMBER OF THE GENERAL ASSEMBLY FROM ROWAN COUNTY.

WHEREAS, Stahle Linn, Sr., died on the 9th day of March, 1959, after a long, distinguished and successful career as a statesman, lawyer, public servant, and public spirited citizen of North Carolina; and

WHEREAS, Stahle Linn, Sr., ably and well served his county of Rowan and the State as a member of the General Assembly, giving freely of his time and talents in the interests of the people of North Carolina in the performance of his official duties; and

WHEREAS, Stahle Linn, Sr., was a distinguished graduate of the University of North Carolina, he served with distinction as a member of the North Carolina Code Revision Commission during 1917 and 1918, and was chairman of the Board of Education of the City of Salisbury from 1929 to 1939; and

WHEREAS, Stahle Linn, Sr., was an active and enthusiastic member of State, County and American Bar Associations; and

WHEREAS, his passing represents to many of us the loss of a loyal, personal friend, and to his community and State itself the loss of an untiring, patriotic and unselfish citizen and public servant;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. In the death of Stahle Linn, Sr., the State of North Carolina has lost one of its most distinguished sons, and the General Assembly, here, tonight, pauses and remembers with pride his character and achievements, and pays tribute to a man who lived so useful and practical a life.

Sec. 2. A copy of this Resolution shall be spread upon the minutes of the House of Representatives of the General Assembly of North Carolina as a permanent record, sharing the honor and respect paid to Stahle Linn, Sr., by this House, and a copy of the same shall be sent to his family.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 11th day of March, 1959.

S. R. 116 **RESOLUTION 19**

A JOINT RESOLUTION INVITING HIS EXCELLENCY, THE GOVERNOR, TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT TWELVE O'CLOCK NOON, MARCH 12, 1959.

Be is resolved by the Senate, the House of Representatives concurring:

Section 1. His Excellency, the Governor is hereby invited to address a Joint Session of the General Assembly at twelve o'clock noon on March 12, 1959.

Sec. 2. A committee of two from the Senate shall be appointed by the President and three from the House of Representatives shall be appointed by the Speaker to extend this invitation.

Sec. 3. This Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 11th day of March, 1959.

S. R. 118 **RESOLUTION 20**

JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT MARCH HANES.

WHEREAS, on the 10th day of March, 1959, there ended the life span which began for Robert March Hanes on September 22, 1890; and

WHEREAS, the General Assembly of North Carolina and its several members are profoundly saddened by his passing but are thankful that we knew him, are shocked that his work is over but are proud of his many accomplishments, are stunned by the loss of such a leader but are confident that we, and all of the people of North Carolina, will complete his unfinished tasks and will move onward and upward, warmed by the memory of his friendship and inspired by his great example; and

WHEREAS, from the time when he volunteered for military service in the United States Army in 1917, continuously through his self-sacrificing and physically heroic last great achievement, the launching of the hopeful Research Triangle program at the memorable meeting in Raleigh on January 9, 1959, Bob Hanes devoted his great talents and his abounding energy to serving his State and his Nation, building people and building things; and

WHEREAS, we are proud of his great achievements in banking. We are proud that he was President of the American Bankers Association. We are proud that he served his Nation as Director of Economic Affairs for Germany after World War II. Especially are we proud that he served as a member of the General Assembly of North Carolina, in the House of Representatives in 1929 and 1931 and in the Senate in 1933. We are proud of his many other splendid services, too numerous to be set forth here. We are proud that he was the man that he was.

When he entered a room he lighted it.

When he spoke to a man he lifted him.

When he took on a job or accepted a responsibility he put into it everything which he had.

He left an imprint upon every man whom he met.

Something of himself went into everything which he built—and forever will remain.

He was a man of keen intellect, powerful driving force, dynamic personality, complete, outspoken honesty and superb courage. He was thoughtful and considerate of others. He loved people and people loved him. He was that rarest of human beings, an unselfish man, one who put others

above himself. Truly he furnished to all who knew him a shining mark toward which they could strive—a man who had overcome self-centeredness.

And what he became in the short period of 68 years will go on forever. He will lift many people and affect many things. Bob Hanes became a part of every person who knew, respected and loved him. Every such person is the better for that. Through them and through their succeeding generations he will remain an uplifting force. As long as there is a North Carolina, Bob Hanes will be a part of it. And so he will go on.

We make ourselves better, we serve future generations, we serve our State, by honoring his memory and by resolving that it shall be kept fresh;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. There is hereby expressed profound sorrow at the passing of Robert March Hanes, great pride in his accomplishments, joy that he was the man that he was, gratitude for the services which he rendered to his people and to his State, and conviction that his good works will go on.

Sec. 2. This Resolution, together with the addendum attached thereto, setting forth biographical data of Robert March Hanes and a list of some of his services and accomplishments shall be incorporated in the public records of this General Assembly as a tribute and expression of respect to his memory, and a copy thereof shall be furnished to the members of his immediate family.

Sec. 3. This Resolution shall become effective upon its adoption.

BIOGRAPHICAL DATA (ADDENDUM):

ROBERT MARCH HANES

Residence: 140 Stratford Road, Winston-Salem, N. C.
Date of birth: September 22, 1890.
Name of parents: John Wesley Hanes; Anna Hodgin Hanes.
Wife: Mildred Borden Hanes.
Date of marriage: July 3, 1917.
Children: Frank Borden Hanes (born January 21, 1920), Sarah Anne Hanes (born December 8, 1922).

EDUCATION

Woodberry Forest School, Orange, Virginia, 1906-7; University of North Carolina, 1908-12, A.B.; Graduate School of Business Administration, Harvard University, 1912-13.

*Honorary—Received honorary Doctor of Law Degree from University of North Carolina, 1945.

CAREER

Secretary and Treasurer: Crystal Ice Company, 1913-17; Vice President: Wachovia Bank & Trust Company, 1919-29; Administrative Vice President: Wachovia Bank & Trust Company, 1930-31; President: Wachovia Bank & Trust Company, 1931-.

WAR RECORD

First Lieutenant, U.S. Army, Second Officers Training Camp, Ft. Oglethorpe, Georgia, 1917; Captain, 1918; Major, 1918.

*113th Field Artillery, 30th Division, U. S. Army. Service at St. Mihiel, the Argonne and Woeuve offensives in 1918 and was also in the Toul Sector. Escaped injury beyond being slightly gassed in February, 1918.

Discharged in December, 1918, with the rank of Major.

GOVERNMENT ACTIVITIES

N. C. General Assembly, House, 1929 and 1931; Senate, 1933.

Member: Board of the North Carolina State Sanatorium, by special appointment of the Governor, 1935-1947; Member: State Education Commission for furtherance of State Educational Program, 1948; Appointed Chief: Belgium-Luxembourg Mission of Economic Cooperation Administration ECA Headquarters Brussels, April, 1949; Named Director: Economic Affairs for Germany and Chief of the ECA Mission, Frankfurt, Germany, and Economic Advisor to High Commissioner for Germany, November, 1949; Chairman: Commerce and Industry Division of N. C. Department of Conservation and Development, 1953; Civilian Aide for: To U.S. Secretary of Defense, 1954; North Carolina, Member: Business Advisory Council, Jan. 1954-; for Secretary of Commerce, Dec. 1958.

BANKING ACTIVITIES

Elected Third Vice President: North Carolina Bankers Association, 1928; Second Vice President: North Carolina Bankers Association, 1929; Vice President: North Carolina Bankers Association, 1930; President: North Carolina Bankers Association, 1931-32; Elected Second Vice President: American Bankers Association, 1937; First Vice President: American Bankers Association, 1938; *President: American Bankers Association, 1939-40; Chairman: Small Business Credit Commission, A.B.A., 1943-48; Elected Representative Executive Council, A.B.A., 1936-50; Member: Administrative Committee, A.B.A., 1936-37; Member: Bank Management Commission Committee on Banking Studies, A.B.A., 1936-37; Chairman: Federal Legislative Committee, Federal Legislative Council, 1936-37; President: Association of Reserve City Bankers, 1945-46; Member: Foreign Committee of Association of Reserve City Bankers, 1952; Member: A.B.A. Small Business Credit Commission and Advisory Committee on Special Activities, 1950; Member: ECA Advisory Committee, January 1951; on Fiscal and Monetary Problems, November 1951; Business Representative: World Bank, 1951-52; Representative: Fifth District of the Federal Advisory Council of the Federal Reserve Board, 1938-42; Aided: Assisted in developing for North Carolina the National Credit Association, which aided many banks prior to the establishment of the Reconstruction Finance Corporation, 1931.

BUSINESS AND CLUB ACTIVITIES

Past President: Merchants Association, Winston-Salem; Winston-Salem Rotary Club; Twin City Club; Chamber of Commerce, Winston-Salem, 1925;

Chairman: Winston-Salem Community Chest; Named Alumni Commencement Marshall: University of North Carolina, 1937; Director: N. C. State College Textile Foundation, 1942-52; Director: N. C. State College Engineering Foundation, 1944-52; Member: National Citizens Committee of Community Chest of America, 1946-52; President: North Carolina Business Foundation, July 1946-April 1949; Trustee: University of North Carolina, 1953-; Trustee: Morehead Foundation, 1950-Now; Trustee: Salem College, term expired, 1949; Chairman: Research Triangle Foundation of North Carolina, Jan. 1959; *The only North Carolinian who has ever held this post. "Citizen of the Year": Named "Citizen of the Year" by North Carolina Citizens Association, 1954; Trustee: Winston-Salem Teachers College, term expired, 1949; Vice President and Director: National War Fund, Incorporated, term expired, 1948; Chairman: Fifth Federal Reserve District of the Committee for Economic Development; Member: Business Advisory Council, U.S. Department of Commerce, Jan. 1954-Dec. 1958; Director: United Service Organizations, Inc., term expired, 1950; Director: United Defense Fund, Inc. (Outgrowth of U.S.O.), 1951-Now; Member: National Policy Board of American Assembly, March 1951-Now; Member: Finance Committee of Winston-Salem Chamber of Commerce, 1951-52; Honorary Member: Board of Directors of National Recreation Association, 1952-53; Member: University Development Council, Chapel Hill, 1952-Now; Chairman: Building Committee, New Home of Y.M.C.A., Winston-Salem; Member: Investment Commission, 1951-52; Former Director: Fogle Furniture Company, Ecusta Paper Corporation, term expired, 1949; Director: Southern Railway Company as of 1952, P. H. Hanes Knitting Company, Hanes Dye and Finishing Company, Security Life and Trust Company, Piedmont Natural Gas Company, Inc., Borden Manufacturing Company, State Capital Life Insurance Company, Piedmont Publishing Company, Colonial Stores, Incorporated, Carolina Power and Light Company, Thomasville Chair Company, Chatham Manufacturing Company, Indera Mills, R. J. Reynolds Tobacco Company, 1955.

OTHER DATA

College Fraternity: Sigma Alpha Epsilon; Denomination: Methodist; Politics: Democrat.

CLUBS

Twin City Club, Winston-Salem, N. C.; Forsyth Country Club, Winston-Salem, N. C.; Old Town Club, Winston-Salem, N. C.; Coral Bay Club, Atlantic Beach, N. C.; Dunes Club, Morehead City, N. C.; Rainbow Springs, Asheville, N. C.

In the General Assembly read three times and ratified, this the 12th day of March, 1959.

S. R. 68 **RESOLUTION 21**

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO MAKE A STUDY OF THE QUESTION OF WHETHER THIS GENERAL ASSEMBLY SHALL ADOPT A PLAN TO ENCOURAGE THE USE OF VOTING MACHINES BY THE COUNTIES, AS WELL AS A PLAN TO ASSIST THE COUNTIES IN THE PURCHASE OR RENTAL OF VOTING MACHINES IN OUR PRIMARIES AND ELECTIONS.

WHEREAS, the State Board of Elections has recommended that this General Assembly shall make a study of the question of the adoption of a plan to encourage the use of voting machines throughout all the counties of North Carolina, as well as a plan to assist the counties in the purchase or rental of voting machines for use in all of our primaries and elections held in this State; and

WHEREAS, it is the sense of this General Assembly that such a committee be appointed composed of members of this General Assembly for the purpose of making such a study, and to report back to the General Assembly in time for any recommended legislation to be enacted, if any such recommendation is so made by said committee;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Lieutenant Governor is authorized and empowered to appoint two members of the Senate, and the Speaker of the House is authorized and empowered to appoint three members of the House as a committee to make a study of the feasibility of the State of North Carolina assisting the counties in the purchase or rental of voting machines for use in all primaries and elections held in this State.

Sec. 2. It shall be the duty of the said committee to make a detailed study of the subject, and to report their recommendations back to the General Assembly in time for proper legislation to be enacted to carry into effect such recommendations as said committee may make.

Sec. 3. This Resolution shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

S. R. 165 **RESOLUTION 22**

A JOINT RESOLUTION FIXING THE TIME AND PLACE FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE APPROVAL OF APPOINTMENTS TO THE NORTH CAROLINA BOARD OF HIGHER EDUCATION.

Be is resolved by the Senate, the House of Representatives concurring:

Section 1. The Senate and House of Representatives shall meet in Joint Session at 8:00 o'clock Monday Night, March 23, 1959 in the House Chamber for the purpose of approving appointments to the North Carolina Board of Higher Education.

Sec. 2. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 24th day of March, 1959.

S. R. 167 **RESOLUTION 23**

A JOINT RESOLUTION HONORING THE MEMORY OF HENRY ALEXANDER McKINNON.

WHEREAS, on Sunday, March 22, 1959, Henry Alexander McKinnon, former State Senator from Robeson County, passed away in Lumberton, North Carolina, after a lingering illness; and

WHEREAS, the death of Henry Alexander McKinnon has caused deep sorrow to the people of his native county and of the entire State, which is especially and keenly felt by all of those who have been closely associated with him during his long and useful life; and

WHEREAS, Henry Alexander McKinnon attended the Maxton Public Schools, later received an A. B. Degree from Trinity College, attended Trinity College Law School, has been a member and officer of the Robeson County Bar Association, a member of the American Bar Association, Director of The Scottish Bank, a member of the Kiwanis Club, the American Legion, Veterans of Foreign Wars, a member of the Robeson County Board of Education, Attorney for Robeson County, and a member of the North Carolina General Statutes Commission. He entered the armed forces as a Private in the Army in 1917 and was discharged as a First Lieutenant in December, 1918. He was a member of the Alpha Tau Omega social fraternity while at Trinity College. He was a Mason, a member of the Board of Stewards of Chestnut Street Methodist Church in Lumberton, and served as a State Senator from the Eleventh Senatorial District in the General Assembly in 1947 and 1949; and

WHEREAS, Henry Alexander McKinnon played a prominent and conspicuous part as a lawyer, patriotic citizen and public servant in the civic and political affairs of his community and State, having ably and conscientiously, faithfully and fairly administered the many important and complicated duties of the various offices which he held in a way which has well served the interests of all the people of his community and State, and in such a manner that it will be a lasting monument to his memory; and

WHEREAS, not only was Henry Alexander McKinnon a leader, politically, but was a leader in the civic life of the county in which he lived. His profound knowledge of the law and his understanding patience, advice and teaching of young lawyers under his guidance, and their association with him in the practice of law, has contributed largely to their success. Among these lawyers are James R. Nance, one of the leading attorneys of the State; a son, Henry A. McKinnon, Jr., presently a Superior Court Judge, and Malcolm B. Seawell, Attorney General of North Carolina;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. In the death of Henry Alexander McKinnon, this State has sustained a loss of great magnitude which has caused deepest sorrow and regret to the people of the State and a special sense of loss to all of the many people of the State who appreciated and understood the tremendous value of his services to his community and State.

Sec. 2. We extend to Mrs. Henry Alexander McKinnon and to Judge Henry Alexander McKinnon, Jr., Arnold Borden McKinnon, and John Borden McKinnon, sons of the marriage, our deep and sincere sympathy in this hour of sadness.

Sec. 3. A copy of this Resolution shall be sent to Mrs. Henry Alexander McKinnon, Judge Henry Alexander McKinnon, Jr., Arnold Borden McKinnon, and John Borden McKinnon.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

H. R. 330 RESOLUTION 24

A JOINT RESOLUTION HONORING THE LIFE, MEMORY AND ACHIEVEMENTS OF DOCTOR J. MARSHALL LEE, A FORMER MEMBER OF THE GENERAL ASSEMBLY FROM SAMPSON COUNTY, UPON HIS RECENT DEATH.

WHEREAS, Doctor J. Marshall Lee of the Town of Newton Grove in Sampson County has recently passed away at the age of seventy-three years, ending a long life of distinguished service to the people of his county and the State; and

WHEREAS, Doctor J. Marshall Lee served his county and the State well as a member of the General Assembly during the 1933 Session, and as a general practitioner of medicine for more than forty years; and

WHEREAS, in the passing of Doctor J. Marshall Lee, the County of Sampson and the State of North Carolina have lost an untiring, unselfish, patriotic friend of man, and a distinguished public servant;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. In the death of Doctor J. Marshall Lee, the State of North Carolina has lost a distinguished and devoted citizen, and the General Assembly of North Carolina pauses to pay homage to a man who lived a useful life devoted to his family, his church, his county and his State.

Sec. 2. A copy of this Resolution of homage and respect shall be placed upon the minutes of the House of Representatives, and a copy of the same shall be sent to the surviving members of his family.

Sec. 3. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

H. R. 340 RESOLUTION 25

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANK SHEPHERD SPRUILL, JR. WHO SERVED WITH DISTINCTION IN THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.

WHEREAS, The General Assembly of North Carolina, Session of 1959, desires to commemorate the services of Frank Shepherd Spruill, Jr., to his City, County and State and to express its deep sorrow at his passing; and

WHEREAS, Frank Shepherd Spruill, Jr., was born in Louisburg, Franklin County, North Carolina on July 22, 1895, the son of a distinguished farmer bearing an illustrious family name. He received his formal education at Horner Military School, Episcopal High School and the University of North Carolina. He served with distinction as a Captain during World War I. He commenced the practice of law in Rocky Mount in 1922 and for many years was one of the most able and respected attorneys in Eastern North Carolina; and

WHEREAS, as a member of the Rocky Mount Kiwanis Club, the Community Council, Benvenue Country Club and the Braswell Memorial Library he performed a multitude of valuable services for his community and county. As a member and former Vestryman and Junior Warden of the Church of the Good Shepherd in Rocky Mount he made a valuable contribution to the religious life of the community.

WHEREAS, Frank Shepherd Spruill, Jr., represented Nash County with zeal, great ability and distinction during the Session of 1925.

Now, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Members of the General Assembly of North Carolina, Session of 1959, unite in expressing for the State of North Carolina their deep sorrow sustained by the passing of Frank Shepherd Spruill, Jr., who endeared himself to the people of his City, County and State as an able, distinguished and respected citizen and public servant.

Sec. 2. As a token of great respect to and high esteem for the honored memory of Frank Shepherd Spruill, Jr., the General Assembly of North Carolina, Session of 1959, hereby extends its deep and sincere sympathy to his widow and family.

Sec. 3. This Resolution shall be incorporated in the permanent records of this General Assembly as a tribute to the memory of Frank Shepherd Spruill, Jr.

Sec. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1959.

H. R. 105 RESOLUTION 26

A JOINT RESOLUTION AUTHORIZING AND REQUESTING THE GOVERNOR OF NORTH CAROLINA TO ISSUE A PROCLAMATION DESIGNATING OCTOBER 31 OF EACH YEAR AS YOUTH HONOR DAY.

WHEREAS, it is of utmost importance to the welfare of this Nation that the youth of this State be given recognition for their oustanding achievements and be encouraged to prepare themselves for their future responsibilities and obligations as citizens of this great Nation; and

WHEREAS, the vast majority of the youth of this State are law-abiding citizens who have displayed high standards of character, integrity and patriotism and have distinguished themselves in their readiness to defend and uphold the principles upon which this Nation is founded; and

WHEREAS, despite these high achievements, a small minority of juveniles who have been delinquent caused undue public criticism on the youth as a whole to the degradation of those who are the least deserving of public criticism; and

WHEREAS, the legislatures of several states have adopted resolutions designating October 31 of each year as Youth Honor Day, which is appropriately observed in honor of the youth of this Nation; and

WHEREAS, the Youth Honor Day program has been of tremendous benefit to the youth of America by providing them with the opportunity to assume the responsibility of governing the conduct of the members of their own group; and

WHEREAS, the adoption of the Youth Honor Day program would prove very beneficial, not only to the youth, but also to all the people of this State;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Governor of North Carolina is hereby authorized and requested to issue a proclamation designating October 31 of each year as Youth Honor Day.

Sec. 2. That the people of this State be urged to actively participate in the observance of this day.

Sec. 3. That a copy of this Resolution, when adopted, be forwarded to the Governor, the Honorable Luther H. Hodges.

Sec. 4. This Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 26th day of March, 1959.

H. R. 408 RESOLUTION 27

A JOINT RESOLUTION HONORING HAYWOOD COUNTY IN THE OBSERVANCE OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY.

WHEREAS, Haywood County was created from Buncombe County by Chapter 1, Laws of North Carolina, Session of 1808, ratified on the 15th day of December, 1808; and

WHEREAS, at said Session of the General Assembly Buncombe County was represented in the Senate by John McFarland and in the House of Commons by General Thomas Love and Malcolm Henry; and

WHEREAS, General Love lived during the 1808 Session of the General Assembly in the home of John Haywood, the famous Haywood Hall, still standing on New Bern Avenue in the City of Raleigh; and

WHEREAS, General Thomas Love and Malcolm Henry, who introduced the bill for the erection of Haywood County, were great personal friends and admirers of John Haywood, the distinguished Treasurer of the State for 40 years (1787-1827), and placed a provision in the bill creating the new county to the effect that the same should be named in honor of John Haywood; and

WHEREAS, at 10:00 o'clock a. m. on Monday, March 27, 1809, the Justices of the Peace of the territory met at Mount Prospect, now Waynesville, constituted themselves the first Court of Pleas and Quarter Sessions ever to sit within the limits of Haywood County, and formally organized the county by the election of the first county officials; and

WHEREAS, the county seat was named Waynesville in honor of General Anthony Wayne, at the suggestion of Colonel Robert Love, a brother of General Thomas Love, and who had served in the Revolutionary War under the command of General Wayne; and

WHEREAS, Haywood County has had a long and distinguished history and has furnished to the State and Nation many citizens of oustanding character and ability; and

WHEREAS, during the year 1959 Haywood County is celebrating its one hundred fiftieth anniversary;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That Haywood County be congratulated upon its distinguished history and upon the outstanding contributions it has made to the life of the State and Nation.

Sec. 2. That both the House and the Senate adjourn their Sessions on this date in honor of Haywood County.

Sec. 3. That the Secretary of State is directed to forward to the Chairman of the Board of Commissioners and to the Clerk of the Superior Court of Haywood County certified copies of this Resolution to the end that the same may be preserved among the permanent records of Haywood County.

Sec. 4. That this Resolution shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1959.

S. R. 194 RESOLUTION 28

A JOINT RESOLUTION HONORING THE MEMORY OF THE LATE D. L. RAYMER, SENIOR, FORMER SENATOR FROM IREDELL COUNTY.

WHEREAS, the General Assembly of North Carolina has been profoundly shocked and grieved on account of the recent death of Honorable D. L. Raymer, Senior, at Davis Hospital, in Statesville, North Carolina, on the 23rd of March, 1959; and

WHEREAS, during his lifetime, D. L. Raymer, Senior, rendered service of great and abiding value in many ways as an outstanding lawyer, religious and civic leader, and State Senator from Iredell County; and

WHEREAS, the General Assembly wishes to make record of its appreciation of his life and accomplishments and its sincere sorrow in his passing:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. In the death of Honorable D. L. Raymer, Senior, the General Assembly of this State, his native County of Iredell, and the State of North Carolina as a whole has experienced a great loss and is profoundly grieved at the termination of the life of this distinguished North Carolinian.

Sec. 2. The General Assembly of North Carolina hereby expresses its highest appreciation of him as a citizen, useful public servant, and civic and religious leader and expresses its sympathy to his family and loved ones upon his passing.

Sec. 3. A copy of this Resolution shall be sent to the members of his immediate family.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 1st day of April, 1959.

H. R. 423 RESOLUTION 29

A JOINT RESOLUTION COMMEMORATING THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE ESTABLISHMENT OF COLUMBUS COUNTY.

WHEREAS, the County of Columbus was created from parts of Bladen and Brunswick Counties and was established as a county in the year 1808; and

WHEREAS, Columbus County during her long period of history has been outstanding in her contributions to both the State and Nation; and

WHEREAS, the County of Columbus desires recognition on her one hundred and fiftieth anniversary for her glorious progress during the past one hundred and fifty years:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The many outstanding contributions of Columbus County to both the State and Nation and her fine progress during the past one hundred and fifty years is hereby recognized.

Sec. 2. The Senate and House of Representatives express their interest in the rich and glorious history of Columbus County and do hereby congratulate Columbus County on her one hundred and fiftieth anniversary.

Sec. 3. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 2nd day of April, 1959.

H. R. 424 **RESOLUTION 30**

A JOINT RESOLUTION ACCEPTING THE INVITATION, FROM THE PEOPLE OF LENOIR COUNTY TO THE GENERAL ASSEMBLY, TO DINNER ON THE EVENING OF WEDNESDAY, APRIL 8, 1959.

WHEREAS, the people of Lenoir County, by and through their Board of County Commissioners, namely Messrs. Ike C. Whitfield, Chairman, John Davenport, Whitford Hill, Harry Sutton, and Ralph G. Daughety, have invited His Excellency, the Honorable Luther H. Hodges, Governor of North Carolina, the Council of State, the Supreme Court of North Carolina, members of the General Assembly of North Carolina, and their wives and members of their personal parties, to be guests of Lenoir County for dinner on the evening of Wednesday, April 8, 1959, at seven thirty o'clock P. M., at the Fairfield Recreational Building, Kinston, North Carolina, while en route from the sitting of the General Assembly of North Carolina at New Bern, North Carolina, on April 8, 1959:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina accepts the kind invitation of the people of Lenoir County to dinner on the evening of Wednesday, April 8, 1959, at seven thirty o'clock P. M., at the Fairfield Recreational Building, Kinston, North Carolina.

Sec. 2. This Resolution shall be spread upon the minutes of the House of Representatives and a copy thereof shall be transmitted to the Chairman of the Lenoir County Board of County Commissioners.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 2nd day of April, 1959.

H. R. 495 **RESOLUTION 31**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM BINGHAM SOMERS, WHO RENDERED HIS COUNTY OF WILKES, STATE OF NORTH CAROLINA, AND THE NATION, SERVICE WITH HONOR, DEVOTION AND DISTINCTION.

WHEREAS, the General Assembly of North Carolina, Session of 1959, desires to commemorate the services of William Bingham Somers to his county, State and Nation and express its sorrow for the loss sustained on account of his death April 4, 1959; and

WHEREAS, William Bingham Somers was born in Wilkesboro, North Carolina, December 12, 1896, and attained his education there, graduating from high school in 1916 and soon thereafter volunteering his services in the United States Army to do his part in winning World War I on the battlefields of France. There he rendered valiant service, being in many engagements and was gassed a number of times while serving with the Pennsylvania 28th Division as a corporal; and

WHEREAS, on his return to civilian life he was elected as High Sheriff of Wilkes County and served from 1928 to 1936; and

WHEREAS, he served as State Senator from the 24th Senatorial District in the North Carolina General Assembly in the Session of 1945; and

WHEREAS, he has served as United States Marshal for the Middle District of North Carolina from 1952 until the time of his death with distinction and ability; and

WHEREAS, he has served for many years as an officer of his church and has been most active in his services to those in need and a contributor to the civic life of the community:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The members of the General Assembly of North Carolina, Session of 1959, unite in expressing for the State and for the Nation their sorrow for the loss sustained by the death of Honorable William Bingham Somers, who distinguished himself as a leader in his county, State and Nation.

Sec. 2. As a token of respect and esteem for the memory of William Bingham Somers, the General Assembly, Session of 1959, hereby extends its deep and sincere sympathy to the members of the family, and expresses to them its grateful thanks for the many benefits derived by our State on account of the services rendered it by William Bingham Somers.

Sec. 3. This Resolution shall be incorporated in the permanent records of this General Assembly as a tribute and expression of respect to the memory of William Bingham Somers and a copy to be furnished to the members of his immediate family.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

H. R. 497 **RESOLUTION 32**

A JOINT RESOLUTION PROVIDING FOR THE ELECTION OF JOHN MOTLEY MOREHEAD AS AN HONORARY LIFE-TIME MEMBER OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA.

WHEREAS, John Motley Morehead of Rye, New York, is a "Tarheel born and a Tarheel bred", and seemingly a Tarheel immortal (he is 88 years young); and

WHEREAS, John Motley Morehead is loved for his character and his personality and for his great love of his native North Carolina and his Alma Mater, the University of North Carolina at Chapel Hill; and

WHEREAS, John Motley Morehead has dreamed great dreams for North Carolina and the University and spends much of his time and his God-given good fortune making his dreams come true; and

WHEREAS, the Morehead Bell Tower in Chapel Hill points heavenward—a symbol of the faith and hope of the people's University; and

WHEREAS, the Morehead Planetarium is bringing the meaning of the stars of God's heaven down to the people of North Carolina; and

WHEREAS, the Morehead Scholarships are lifting the youth of North Carolina up towards the stars for the future power and glory of North Carolina; and

WHEREAS, John Motley Morehead is one of the public spirited citizens who provided the buildings and equipment of television station WUNC-TV, taking the University into the lives, the minds and the hearts of the people of the State every day and every night; and

WHEREAS, John Motley Morehead is one of the donors making possible the promising Research Triangle; and

WHEREAS, the people of the State of North Carolina will be grateful to John Motley Morehead for all generations to come:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That John Motley Morehead be, and he is, hereby elected a lifetime, honorary member of the Board of Trustees of the University of North Carolina.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

H. R. 499 RESOLUTION 33

A JOINT RESOLUTION EXPRESSING APPRECIATION TO THE TRYON PALACE COMMISSION FOR ITS WORK IN THE RESTORATION OF TRYON'S PALACE AND TO ADJOURN IN MEMORY OF THE LATE MRS. MAUDE MOORE LATHAM AND HER HUSBAND, THE LATE MR. JAMES EDWIN LATHAM, WHO MADE THE RESTORATION POSSIBLE THROUGH FINANCIAL CONTRIBUTIONS.

WHEREAS, Tryon Palace, North Carolina's first fixed Colonial Capitol and first State Capitol, has been authentically and extensively restored and is a great credit to the State as an architectural show-place, historic site, educational museum and patriotic shrine; and

WHEREAS, it was made possible by financial contributions given to the State of North Carolina by the late Mrs. Maude Moore Latham, with the aid and encouragement of her husband, the late Mr. James Edwin Latham; and

WHEREAS, the total gift of approximately four million dollars ($4,000,000) comprises one of the largest donations ever made to the State of North Carolina; and

WHEREAS, members of the Tryon Palace Commission, a State agency, have served long and diligently in the interest of the restoration of Tryon's Palace without compensation:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring, in Session in the restored Tryon Palace at New Bern, North Carolina, on April 8, 1959:

Section 1. That appreciation be expressed to the members of the Tryon Palace Commission for their outstanding services to the State in the restoration of Tryon's Palace.

Sec. 2. That sincere gratitude be extended especially to Mrs. John A. Kellenberger, daughter of the late Mr. James Edwin Latham and the late Mrs. Maude Moore Latham, through whose superb leadership as Chairman of the Tryon Palace Commission the restoration has been magnificently brought to fulfillment.

Sec. 3. Appreciation is also expressed to Mr. John A. Kellenberger, Treasurer of the Tryon Palace Commission, under whose able guidance the original Latham bequest has been more than doubled in value.

Sec. 4. That the House of Representatives adjourn this Session in honored memory of the late Mr. James Edwin Latham and the late Mrs. Maude Moore Latham.

Sec. 5. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

S. R. 211 RESOLUTION 34

A JOINT RESOLUTION HONORING THE MEMORY OF THE RIGHT REVEREND EDWIN A. PENICK, BISHOP OF THE EPISCOPAL DIOCESE OF NORTH CAROLINA.

WHEREAS, the Right Reverend Edwin A. Penick, Bishop of the Episcopal Diocese of North Carolina, died on the 6th day of April, 1959, in the North Carolina Memorial Hospital at Chapel Hill, after having been gravely ill for several days; and

WHEREAS, Bishop Penick was the senior bishop of the Protestant Episcopal Church in the United States, having served long and faithfully his church and all the people to whom he administered; and

WHEREAS, Bishop Penick, while rendering illustrious, untiring and faithful service to his people and his church, attained the loftiest heights as a leader in his church and was beloved by all with whom he came in contact; and

WHEREAS, Bishop Penick established an imperishable record in the State as an outstanding church leader which will endure as an inspiration to this and succeeding generations:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina does by this joint Resolution express its appreciation and admiration of the life and career of Bishop Penick as an outstanding Christian leader and citizen of this State and does by this Resolution declare that his record of service to

North Carolina and its people is entitled to imperishable fame and he will always be remembered and loved by the people of the State.

Sec. 2. A copy of this Resolution shall be sent to the immediate family of Bishop Penick.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 10th day of April, 1959.

S. R. 200 RESOLUTION 35

A JOINT RESOLUTION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA CONCERNING CERTAIN LEGISLATION NOW PENDING IN THE CONGRESS OF THE UNITED STATES RELATING TO THE ESTABLISHMENT OF CERTAIN MINIMUM FEDERAL BENEFIT STANDARDS.

WHEREAS, there is now pending in the Congress of the United States, unemployment insurance legislation which legislation is for the purpose of establishing certain minimum federal benefit standards and would in so doing remove from the states many of the powers now vested therein, which legislation is coercive upon the legislatures of the various states in that if they fail to comply with the proposed standards, drastic penalties would be imposed upon the taxpayers in such states; and

WHEREAS, the Legislature of the State of North Carolina in past Sessions has exercised its responsibility in this field, having adopted in 1951, uniform duration of benefits for twenty-six weeks and has further improved the program at each Session and is now, in the current Session, giving favorable consideration to a provision for extension of benefits by eight additional weeks under certain conditions and other improvements; and

WHEREAS, the people of North Carolina are firmly dedicated to the proposition that matters relating to the amount and duration of unemployment insurance payments should be left to the discretion of the various state governments due to the widely varying economic and other conditions that exist among the states:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina hereby opposes legislation which would establish federal minimum benefit standards and which would compel the states to take similar action, thus depriving the Legislature of North Carolina of its rightful authority in such matters.

Sec. 2. That a copy of this Resolution be sent to each member of the Congressional Delegation from North Carolina.

Sec. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1959.

S. R. 235 **RESOLUTION 36**

A JOINT RESOLUTION EXPRESSING THE SENSE OF THE GENERAL ASSEMBLY CONCERNING THE PROPOSED CLOSING OF THE DISMAL SWAMP CANAL.

WHEREAS, the United States Army Corps of Engineers proposes to close the Dismal Swamp Canal on July 1, 1959; and

WHEREAS, the Dismal Swamp Canal has for many years been a vital artery of commerce for water transportation of timber, petroleum products and other valuable industrial and commercial products, as well as providing a safe and sheltered passageway for a multitude of small pleasure craft; and

WHEREAS, many areas of the Dismal Swamp, which has become a tourist attraction of great magnitude, are most readily accessible by use of the Canal; and

WHEREAS, the Dismal Swamp Canal is of tremendous economic importance to the area which it serves and its use has provided gainful employment for many citizens in the area which it serves; and

WHEREAS, the savings to the Federal Government which would result from closing the Canal would be infinitesimal when compared to the far reaching economic benefits which would accrue by reason of the continued maintenance and use of the Canal:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly hereby expresses its concern over the proposed closing of the Dismal Swamp Canal and hereby requests the United States Army Corps of Engineers to reconsider its decision to close the same.

Sec. 2. That a copy of this Resolution be sent to each member of the North Carolina delegation in the United States Congress.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 16th day of April, 1959.

H. R. 524 **RESOLUTION 37**

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ACCEPTING THE PORTRAIT OF THE LATE J. MELVILLE BROUGHTON.

WHEREAS, the Honorable J. Melville Broughton served this State with great distinction as Governor and in many other important capacities on the State and National level; and

WHEREAS, the family of Governor Broughton has offered to the State a portrait of this distinguished North Carolinian; and

WHEREAS, His Excellency Luther H. Hodges has appointed a committee to arrange for the presentation of this portrait and its acceptance by the State:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The membership of the House of Representatives and the Senate shall meet in Joint Session in the Hall of the House of Representatives at 8:00 P. M. on Thursday, April 23, 1959, for the purpose of accepting on behalf of the State the portrait of Governor J. Melville Broughton.

Sec. 2. The Governor, the Supreme Court, the Council of State, the North Carolina Delegation in Congress, friends of Governor Broughton, and the public generally are hereby invited to be present for the program which will be prepared by the Governor's Committee.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 17th day of April, 1959.

H. R. 537 RESOLUTION 38

A JOINT RESOLUTION REQUESTING MEMBERS OF THE GENERAL ASSEMBLY TO ATTEND THE FUND RAISING DINNER SPONSORED BY THE YOUNG DEMOCRATIC CLUBS OF NORTH CAROLINA.

WHEREAS, the Young Democratic Clubs of North Carolina are having their annual fund raising dinner on April 30, 1959, at 6:30 P. M., at the Sir Walter Hotel in Raleigh, North Carolina; and

WHEREAS, the Young Democratic Clubs of North Carolina, since their inception in the spring of 1928, have been extremely active in promoting the Democratic Party; and

WHEREAS, the Young Democratic Clubs of North Carolina have continued down through the years to stimulate interest in the party; and

WHEREAS, the Young Democratic Clubs of the various counties of this State have been loyal, enthusiastic and hard-working members, not only on behalf of the party, but for its principle, platform and leaders; and

WHEREAS, these organizations deserve not only the counsel and advice of the members of the senior party, and members of this General Assembly, they also need the active and financial participation of such members:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Members of the North Carolina General Assembly do hereby endorse the fund raising dinner sponsored by the Young Democratic Clubs of North Carolina.

Sec. 2. The Members of the General Assembly do hereby express their desire to be present at the fund raising dinner and to encourage others to attend this special event sponsored by the Young Democratic Clubs of North Carolina.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 17th day of April, 1959.

S. R. 238 **RESOLUTION 39**

A JOINT RESOLUTION OF RESPECT TO THE MEMORY OF THE HONORABLE WILLIAM KERR SCOTT, LATE A UNITED STATES SENATOR FOR THE STATE OF NORTH CAROLINA.

WHEREAS, a year ago today, a day when the whole land and the skies above were filled with beauty and the new hopes of springtime, the people of North Carolina were shocked and saddened. Word was flashed throughout this State and across the country: "Kerr Scott is dead!"

The members of the United States Senate adjourned at once for the day in sorrow and respect for their deceased colleague. All the people in North Carolina, saddened that this man was dead, began to contemplate the brevity of mortal life and to weigh their numerous and lasting debts to this unique man of the soil of Alamance County.

This rugged, granite-like, determined, humorous man—so calm and "old shoe" in his outward manner, yet so dynamic in his energetic spirit—had answered with imagination, vision, and vigor many calls to duty during nearly forty years of devoted service to the people of North Carolina.

A year ago today, in the late afternoon, from his bed in the Alamance County General Hospital where he had been resting his tired heart, the Squire of Haw River said to "Miss Mary", his devoted and faithful wife, "Tomorrow, you know, will be my sixty-second birthday. I want you to make 'em let me have some ice cream, a piece of cake, and a chaw of tobacco."

A few minutes later, Kerr Scott—farmer and public servant—always plowing his furrows deep and straight, ever trying to help build a better North Carolina, and constantly needling the people of this State with his powerful challenge, "Let's Go Forward!", came quietly to the end of his earthly row.

Throughout his life he was faithful in the worship services of the Hawfields Presbyterian Church of Route 1, Mebane, North Carolina. He upheld its program of community and social services. He often said the eternal truth of the New Testament is that men and women should do unto others as they would have others do unto them. His philosophy of life and of government was based on his conviction that what is bad for any large segment of the people is bad for all the people. The first farmer in a hundred years to be elected Governor of North Carolina, he was a daring, progressive leader; an honest and forthright servant of the people; a builder; a democratic Democrat; a fighter for the welfare of the common man; and a true representative of the democratic ideals of Jefferson.

The example of his life, his services to the people, and the people's faith in him earned for him the immortal epitaph, "Devoted husband and father, beloved statesman, friend of mankind, servant of God."—Kerr Scott—Esse Quam Videri, To be rather than to seem. Man and Motto—The Same.

William Kerr Scott, born in the Haw River section of Alamance County, North Carolina, on April 17, 1896, educated in the Hawfield public schools and North Carolina State College, farmer and dairyman—died April 16, 1958. In succeeding steps he served the people as a private in the Field

Artillery of the United States Army in 1918; as Alamance County Farm Agent; as Master of the North Carolina State Grange; as Commissioner of Agriculture; as officer or board member of many organizations identified with the improvement of rural life; as Governor of North Carolina, 1949-52; and as United States Senator from November 29, 1954 until his death.

WHEREAS, the General Assembly of North Carolina wishes to make record of its deep appreciation for the life and public services of William Kerr Scott and its sorrow on account of his death:

Now, therefore, be it resolved by the Senate of North Carolina, the House of Representatives concurring:

Section 1. That in the death of the Honorable William Kerr Scott, North Carolina has lost a loyal son, a great citizen, and a distinguished leader and servant of all its people.

Sec. 2. That by these tokens the General Assembly of North Carolina expresses its genuine sympathy to Mrs. W. Kerr Scott, to her children, and to the brothers and sisters of the late W. Kerr Scott.

Sec. 3. That the General Assembly acknowledges North Carolina's debt to Dr. David Leroy Corbitt for his editorship of the Addresses and Papers of Governor William Kerr Scott—1949-53, including therein the biography of Governor Scott by Robert W. Redwine.

Sec. 4. That a copy of this Resolution, duly certified, be delivered to Mrs. W. Kerr Scott, Route #1, Haw River, North Carolina.

Sec. 5. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 17th day of April, 1959.

H. R. 583 RESOLUTION 40

A JOINT RESOLUTION CONGRATULATING THE NORTH CAROLINA STATE MOTHERS' COMMITTEE UPON THE SELECTION OF MRS. DAVID M. HALL, SENIOR, AS NORTH CAROLINA'S MOTHER OF THE YEAR, AND COMMENDING HER TO THE AMERICAN MOTHERS' COMMITTEE, INCORPORATED, FOR THEIR NOMINATION AS AMERICAN MOTHER FOR THE YEAR.

WHEREAS, Mrs. David M. Hall, Senior, of Sylva and Cullowhee, North Carolina, was recently selected as North Carolina's Mother of the Year and thus becomes this State's nomination for American Mother of the Year; and

WHEREAS, Mrs. Hall has been an inspiration to her four children, all of whom have become outstanding citizens of North Carolina; and

WHEREAS, Mrs. Hall as dormitory hostess and counselor for girls at Western Carolina College has been an outstanding example to the girls under her care by showing them the importance of dedicated spiritual service; and

WHEREAS, Mrs. Hall has been President of the Twentieth Century Club, a Federal Woman's Club in Sylva, and is currently serving as President of Cullowhee Woman's Club; and

WHEREAS, Mrs. Hall has been elected to many offices of honor which she has filled in an outstanding manner and has actively engaged in community affairs and work with benevolent associations; and

WHEREAS, with all of her activities, Mrs. Hall has placed her religious activities in the forefront, presently serving as District President of Woman's Society of Christian Service; and

WHEREAS, Mrs. Hall, if selected American Mother of the Year, would bring credit upon the women of the United States:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The North Carolina State Mothers' Committee is hereby commended for their selection of Mrs. David M. Hall, Senior, as North Carolina's Mother of the Year.

Sec. 2. The General Assembly of North Carolina does hereby recommend to the American Mothers' Committee, Incorporated, the nomination of Mrs. David M. Hall, Senior, as the American Mother of the Year.

Sec. 3. A copy of this Resolution shall be certified by the Secretary of State and forwarded to Mrs. Daniel A. Poling, President of the American Mothers' Committee, Incorporated, 522 Lexington Avenue, New York 17, New York.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. R. 585 RESOLUTION 41

A JOINT RESOLUTION HONORING THE MEMORY OF HONORABLE CLARENCE STEWART CLARK, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES FROM BLADEN COUNTY.

WHEREAS, Honorable Clarence Stewart Clark, member of the 1951 House of Representatives from Bladen County, died on the night of the 15th of April, 1959; and

WHEREAS, Clarence Stewart Clark was born on January 18, 1888, in Clarkton, in Bladen County, the son of O. L. Clark, Sr., and Cora Withers Clark, and was married to Edna Reynard on December 30, 1911. He attended a local military academy, and graduated from Davidson College, in 1910, where he distinguished himself as an outstanding academic, spiritual, and athletic leader on the campus; and

WHEREAS, Clarence Stewart Clark, took an active and leading part in the religious life of his community and State, having served as the youngest Ruling Elder ever elected in the Wilmington Presbytery, and having served as Superintendent of the Clarkton Presbyterian Sunday School, Clerk of the Session of the Clarkton Presbyterian Church, and as a teacher for 47 years of the Men's Bible Class; and

WHEREAS, he has distinguished himself in the field of education, by serving as Trustee of Flora McDonald College, Presbyterian Junior College, and Barium Springs Orphanage, and as a member of the Bladen County Board of Education; and

WHEREAS, he has distinguished himself as a merchant and businessman for a period of 49 years during which he was engaged in the mercantile business in Clarkton, and by serving as a Director of the Waccamaw Bank and Trust Company; and

WHEREAS, he has distinguished himself as a public and civic servant by serving with distinction as a member of the House of Representatives, representing Bladen County during the Session of 1951; by serving as chairman of his local draft board, and by serving as a member of the Board of Public Welfare and Board of Education of Bladen County; and

WHEREAS, in the death of this distinguished citizen of North Carolina, the State and his county have been deprived of a useful and valued citizen, and the members of the General Assembly of this State wish to express their heartfelt sympathy to his family, and to express their sorrow at his passing:

Now, therefore, be it resolved by the House of Representatives and Senate concurring:

Section 1. That in the death of Clarence Stewart Clark, the State of North Carolina has lost a distinguished and devoted public servant and the General Assembly of North Carolina pauses and gives honor to his achievements, he being a former member of this body, and pays high tribute to a man who lived a useful life devoted to his family, his church, his county, and his State.

Sec. 2. That a copy of this Resolution, duly certified by the Secretary of State, shall be placed upon the minutes of the House of Representatives showing the honor and respect paid to Clarence Stewart Clark and a copy of the same shall be sent to Mrs. Clarence Stewart Clark and family, and to The Bladen Journal, Elizabethtown, North Carolina.

Sec. 3. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 21st day of April, 1959.

H. R. 624

RESOLUTION 42

A JOINT RESOLUTION ACCEPTING THE INVITATION TO THE GOVERNOR, THE COUNCIL OF STATE, MEMBERS OF THE GENERAL ASSEMBLY AND OTHERS TO VISIT FORT BRAGG.

WHEREAS, Major General Robert F. Sink, Commanding General of Fort Bragg and of the 18th Airborne Corps, has extended a cordial invitation to the Governor, the Council of State, members of the General Assembly, their official staff, members of the Supreme Court, and others to visit and inspect Fort Bragg on Thursday, the 14th day of May, 1959:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The invitation extended by Major General Robert F. Sink, Commanding General of Fort Bragg and of the 18th Airborne Corps, to the Governor, the Council of State, members of the General Assembly, their official staff, and others to visit and inspect Fort Bragg on Thursday, the 14th day of May, 1959, is hereby accepted with expression of appreciation for this invitation to visit and inspect this great Fort located in North Carolina.

Sec. 2. A copy of this Resolution, duly certified by the Secretary of State, shall be forwarded to Major General Sink.

Sec. 3. This Resolution will become effective upon its adoption.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

H. R. 625 RESOLUTION 43

A JOINT RESOLUTION HONORING DAVIDSON COLLEGE ON THE INAUGURATION OF DAVID GRIER MARTIN AS THE COLLEGE'S THIRTEENTH PRESIDENT.

WHEREAS, in March of 1835 the Concord Presbytery at Prospect Church in Rowan County adopted a resolution calling for the establishment of a "manual labor school" that was to become Davidson College; and

WHEREAS, the guiding principles in the establishment of Davidson College were the education of young men for the ministry, and the extension of education to all persons of all denominations of good moral character; and

WHEREAS, the first students began receiving instruction at Davidson College on March 12, 1837; and

WHEREAS, since it was founded, Davidson College has produced over one thousand doctors, one out of every four ministers in the Southern Presbyterian Church, thirty-five college presidents, and numerous leading lawyers, editors, executives, teachers, diplomats, bankers and farmers; and

WHEREAS, in the years that have followed Davidson College has grown into one of the leading small liberal arts colleges in the Nation; and

WHEREAS, having survived the ravages of time, war and depression, Davidson College stands today on the brink of its greatest era; and

WHEREAS, Davidson College's new president, David Grier Martin, was elected to the post on May 15, 1958, succeeding Doctor John R. Cunningham, who resigned to direct the Presbyterian Foundation; and

WHEREAS, President Martin is a former graduate of Davidson College, a holder of an Honorary Doctor of Laws Degree from King College, and pursued a business career which lasted for fifteen years; and

WHEREAS, President Martin will be officially inaugurated into office as Davidson College's thirteenth president on Wednesday, the 22nd day of April 1959;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The members of the General Assembly in North Carolina hereby commend Davidson College on the election and inauguration of David Grier Martin as the college's thirteenth president.

Sec. 2. The General Assembly hereby recognizes the rich and glorious history of Davidson College and its growth into one of the leading liberal arts colleges in both the State and Nation.

Sec. 3. The General Assembly hereby expresses its best wishes to Davidson College and to President Martin for continued success and growth in the succeeding years for this outstanding institution of learning located in the western Piedmont region of our great State.

Sec. 4. A copy of this Resolution, duly certified by the Secretary of State, shall be forwarded to President Martin at Davidson College.

Sec. 5. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 23rd day of April, 1959.

H. R. 626 RESOLUTION 44

A JOINT RESOLUTION COMMENDING THE MEMBERS OF THE COMMITTEE OF THE NORTH CAROLINA BAR ASSOCIATION ON IMPROVING AND EXPEDITING THE ADMINISTRATION OF JUSTICE, AND THE MEMBERS OF THE NORTH CAROLINA CONSTITUTIONAL COMMISSION FOR THEIR DEVOTED STUDY AND WORK ON THE MANY PROBLEMS WITH WHICH THEY HAVE BEEN CONFRONTED.

WHEREAS, the members of the Committee of the North Carolina Bar Association on Improving and Expediting the Administration of Justice, and the members of the North Carolina Constitutional Commission have given tirelessly and unselfishly of their time and energy in studying the many problems presented to them during the course of their investigations and deliberations; and

WHEREAS, the Committee of the North Carolina Bar Association on Improving and Expediting the Administration of Justice, and the North Carolina Constitutional Commission has each filed its report and recommendations with this General Assembly; and

WHEREAS, from an examination of these reports and recommendations it is quite evident that no stone has been left unturned by the members in their efforts to solve the many, varied, and complex problems with which they were confronted:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. We do hereby express to Victor S. Bryant, Chairman, W. Frank Taylor, Vice Chairman and the following members of the North Carolina Constitutional Commission: Henry P. Brandis, Jr., Harry B. Caldwell, Claude Currie, W. Ed Gavin, Judge Johnson J. Hayes, Herschel

V. Johnson, Woodrow W. Jones, John H. Kerr, Jr., Charles Aycock Poe, Judge Susie Sharp, William D. Snider, Lindsay C. Warren and Edward F. Yarborough; and to J. Spencer Bell, Chairman, and the following members of the North Carolina Bar Association Committee on Improving and Expediting the Administration of Justice: Howard Hubbard, T. N. Grice, William F. Womble, Henry Brandis, Jr., William Snider, Thomas H. Leath, William H. Murdock, Fred Fletcher, James Poyner, P. K. Gravely, Woodrow Price, A. Pilston Godwin, Wallace Murchison, John C. Rodman, D. G. Bell, Ashley B. Futrell, Francis J. Heazel, John Archer, R. O. Huffman, Joel B. Adams, John W. Spicer, Robert W. Proctor, J. Murrey Atkins, Shearon Harris, G. Harold Myrick, David Clark, W. W. Taylor, Jr., Beverly C. Moore, Nelson Woodson, Albert W. Kennon and William M. Storey our grateful and sincere appreciation for their painstaking and exhaustive study of the many problems presented to them in their separate fields and extend to them our congratulations upon a job well done.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

H. R. 661 RESOLUTION 45

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ACCEPTING THE PORTRAIT OF THE LATE W. KERR SCOTT.

WHEREAS, the Honorable W. Kerr Scott served this State with great distinction as Governor and in many other important capacities on the State and National level; and

WHEREAS, the family of Governor Scott has offered to the State a portrait of this distinguished North Carolinian; and

WHEREAS, His Excellency Luther H. Hodges has appointed a committee to arrange for the presentation of this portrait and its acceptance by the State:

Now, therefore be it resolved by the House of Representatives, the Senate concurring:

Section 1. The membership of the House of Representatives and the Senate shall meet in Joint Session in the Hall of the House of Representatives at 8:00 P. M. on Thursday, May 7, 1959, for the purpose of accepting on behalf of the State the portrait of Governor W. Kerr Scott.

Sec. 2. The Governor, the Supreme Court, the Council of State, the North Carolina delegation in Congress, friends of Governor Scott, and the public generally are hereby invited to be present for the program which will be prepared by the Governor's Committee.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 24th day of April, 1959.

H. R. 680 **RESOLUTION 46**

A JOINT RESOLUTION OF RESPECT TO THE MEMORY OF THE HONORABLE JOHN J. PARKER.

WHEREAS, on March 17, 1958, the State of North Carolina and the nation lost, by the death of John J. Parker, one of their outstanding citizens and ablest jurists;

WHEREAS, Judge Parker, a native of Union County, North Carolina, and a resident of Charlotte, was, at the time of his death the Chief Judge of the United States Court of Appeals for the Fourth Circuit, had served as such for twenty-eight years, and was the nation's senior federal jurist;

WHEREAS, Judge Parker, through his lifelong interest in the improvement of the administration of justice contributed greatly to the ideal of government under law to which his life was dedicated;

WHEREAS, Judge Parker, as an American member of the International Military Tribunal which tried Nazi war criminals at Nuremburg gained international renown as one of the pioneers blazing new trails of law through the jungle of international anarchy;

WHEREAS, Judge Parker was devoted to his Alma Mater, the University of North Carolina, and served as a trustee of the University from 1921 until his death;

WHEREAS, Judge Parker was an outstanding Christian layman;

AND WHEREAS, above all, John J. Parker, in his public and private life, exemplified the admonition of the ancient prophet Micah—" . . . to do justly, and to love mercy, and to walk humbly with thy God."

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina do hereby express its highest appreciation for the life of John J. Parker, and for his distinguished service to this State, the nation, and the world.

Sec. 2. That when the General Assembly adjourns on the 24th day of April, 1959, it do adjourn in memory of John J. Parker.

Sec. 3. That a copy of this Resolution be furnished to Mrs. John J. Parker, at Charlotte, North Carolina.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 28th day of April, 1959.

H. R. 719 **RESOLUTION 47**

A JOINT RESOLUTION DESIGNATING MAY 1, 1959 AS LAW DAY IN NORTH CAROLINA.

WHEREAS, by proclamations of the President of the United States and of the Governor of North Carolina, May 1, 1959, will be observed as Law Day in the Nation and State in order to provide our citizens with an opportunity to acknowledge the indispensable role of laws and courts in our lives; and

WHEREAS, this especially meaningful occasion will be a time for renewing our faith in the rule of law as the surest safeguard of the welfare of free people living together in organized society, and the brightest hope for achieving peace in a troubled and anxious world; and

WHEREAS, the purpose of this observance is to foster an abiding respect for law among our citizens and, at the same time, demonstrate to the world our faith in freedom under law as contrasted with tyranny under communism:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That May 1, 1959, is hereby designated as Law Day in North Carolina and it is urged that all our people participate in this observance in an appropriate manner.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 1st day of May, 1959.

H. R. 720 RESOLUTION 48

A JOINT RESOLUTION PETITIONING THE COMMODITY CREDIT CORPORATION FOR CERTAIN CHANGES IN REGULATIONS RELATING TO THE AGRICULTURAL STABILIZATION CORPORATION LOAN PROGRAM FOR GRAIN STORAGE FACILITIES.

WHEREAS, under regulations implementing the Agricultural Stabilization Corporation loan program for grain storage facilities, loans are limited to a term not to exceed five years although increased costs of agricultural equipment to meet modern standards of storing and drying agricultural products necessitate the availability of loans for a longer period of time; and

WHEREAS, at the present time loans are approved on the basis of the cost of unassembled grain storage facilities, although they should be approved on the basis of the total cost of the facilities, including erection; and

WHEREAS, some producers of grain are also involved in stock-feeding programs, giving rise to greater needs for grain storage facilities than are justified by the amount of grain produced; and

WHEREAS, consideration should be given to allowing loans to eligible grain producers, who are also involved in stock-feeding programs, for the purchase and installation of farm-size feed grinding and mixing equipment; and

WHEREAS, peanut producers are not now, but should be entitled to loans under the Agricultural Stabilization Corporation loan program:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina petitions the Commodity Credit Corporation through the North Carolina Committee of the

Agricultural Stabilization Corporation to effect the following changes in regulations relating to the Agricultural Stabilization Corporation loan program for grain storage facilities:

(1) Extend the maximum term of loans under the program to ten years in light of increased costs of agricultural equipment needed to meet modern standards of storing and drying agricultural products;

(2) Provide for approval of loans for grain storage facilities on the basis of total erection cost, rather than on the cost of storage facilities in unassembled condition, so as to recognize the considerable cost involved in erecting such facilities, all of which constitutes a part of the overall cost of such facilities.

(3) Entitle grain producers who are also involved in stock-feeding programs to loans for the erection of additional grain storage facilities necessitated by the stock-feeding program in excess of those justified by grain production.

(4) Extend loan facilities to grain producers involved in stock-feeding programs for the purchase and installation of farm-size feed grinding and mixing equipment.

(5) Extend loan facilities to include peanut producers, in addition to other grain producers.

Sec. 2. The Secretary of State is directed to forward to the Commodity Credit Corporation through the North Carolina Committee of the Agricultural Stabilization Corporation, a certified copy of this Resolution.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 5th day of May, 1959.

S. R. 312 RESOLUTION 49

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BRANDON P. HODGES, FORMER MEMBER OF THE STATE SENATE, FORMER TREASURER OF NORTH CAROLINA, WHO SERVED HIS STATE WITH HONOR AND DISTINCTION.

On the evening of December 4, 1957, the Honorable Brandon P. Hodges, one time member of the Senate of North Carolina, died at his home in Asheville. While he had not been in the best of health for some time, his passing shocked the State and brought a sense of great sorrow and loss to all the people of North Carolina.

In a comparatively short time, he had lived a very rich and fruitful life of great benefit not only to the City of Asheville and the County of Buncombe, but to the Commonwealth of North Carolina.

Brandon Hodges was born in Asheville, North Carolina, September 6, 1903. He was educated in the public schools of Asheville, Porter Military Academy, the University of North Carolina, and Wake Forest College. He was a member of the North Carolina Bar, acting as Judge Pro Tem of the Asheville Police Court. He rendered signal service in the refinancing of Buncombe County's obligations following the depression. However, per-

haps his greatest public service began in the State Senate in 1943 and 1945; there he quickly assumed a position of leadership, being Chairman of the Senate Appropriations Committee, and serving afterwards as Chairman of the Advisory Budget Commission. He also acted as Legislative Counsel of Governor Cherry, and was elected Treasurer of the State of North Carolina on November 2, 1948, and was re-elected to that office on November 4, 1952. In addition, he served on many important commissions, and was Chairman of the Board of Trustees of Western Carolina Teachers College, 1947-48.

Of recent memory is the distinguished service of Mr. Hodges as Chairman of the Tax Study Commission, the report of which was received with sympathetic interest by the General Assembly of 1947, which enacted many of its more important recommendations into law.

Brandon Hodges was fortunate in his family life. He was married to Miss Genevive Hare, and the happy domestic circle which supported him in his career was completed by a son and a daughter: Brandon P., Jr., and Sarah Jane. Throughout his public and private life, he was strengthened by the loyalty and affection of Mrs. Hodges and their children.

Brandon Hodges possessed a high order of intelligence and had the ability to master easily the complicated and complex problems of public finance. Yet he never considered taxation and a balanced budget as isolated matters, but always related them to the human purposes that they were to serve. Thus it is proper to say that he was one fiscal expert who never forgot the humanities.

When Mr. Hodges resigned as State Treasurer in 1953, he became connected with the Champion Paper and Fibre Company of Canton, North Carolina, and it was while he was associated with this very important and progressive industry that he served with such distinction as Chairman of the Tax Study Commission.

Brandon Hodges was in every sense of the word a statesman whose mind was characterized by breadth of vision. It can be truly said of him that his view of the forest was not lost in an examination of the trees, and that he could rise above heated disputes to take a lofty look at the scene of debate or conflict. After others had expressed sharply differing views, it was good to hear his dispassionate, calm summing up of the problem, and his tactful suggestions for a solution. He was a man who led others through the warmth of his personality and through the moral suasion of his voice. His mind was capacious, his integrity complete, his vision unobstructed by prejudice. He saw the State as a whole, and, above all, believed that industry, agriculture, and every other phase of our life were made significant and meaningful through the beneficent influence of education.

In appreciation of the life of Brandon Hodges, and the knowledge that North Carolina will miss his wisdom and his foresight, and that those of us who knew him so well will feel deeply the loss of a loyal and dependable friend:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That in the death of Brandon P. Hodges, the State of North Carolina and the citizens of Buncombe County have lost one of their most beloved and ablest citizens, whose record of public service constituted a magnificent contribution to the progress of the State and to the cause of good government.

Sec. 2. This Resolution shall be incorporated in the permanent records of this General Assembly as a tribute and expression of respect to the memory of Brandon Hodges and that a copy be furnished to the members of his immediate family.

Sec. 3. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1959.

H. R. 694 RESOLUTION 50

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF VIRGIL A. WILSON, A FORMER MEMBER OF THE GENERAL ASSEMBLY FROM FORSYTH COUNTY.

WHEREAS, Virgil A. Wilson, of Rural Hall, North Carolina, a former Representative in the General Assembly of North Carolina from Forsyth County, died at the age of sixty-three, ending a long life of distinguished service to his County and the State; and

WHEREAS, Virgil A. Wilson was born at Pfafftown, on August 31, 1895, the son of George F. and Ella Spach Wilson; and

WHEREAS, Virgil A. Wilson was educated at Bethania High School and attended the University of North Carolina where he was a member of the class of 1918; and

WHEREAS, Virgil A. Wilson was a veteran of World War I and a member of the American Legion Post at Rural Hall; and

WHEREAS, Virgil A. Wilson was warehouse officer for the United States Bureau of Customs for the past ten years; and

WHEREAS, Virgil A. Wilson served in the House of Representatives during the 1937 and 1939 regular Sessions of the General Assembly, as well as at two Special Sessions of the General Assembly during that period; and

WHEREAS, Virgil A. Wilson as Legislator in 1939 introduced a statewide bill which clarified the legal and financial position of the sanitary districts in North Carolina; and

WHEREAS, Virgil A. Wilson took an early interest in the creation of the Rural Hall Sanitary District and was chosen to be a member of the first District Commission:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. In the death of Virgil A. Wilson, the State of North Carolina has lost a distinguished and devoted public servant, and the General Assembly of North Carolina pauses and gives honor to his character and achievements, he being a former member of this body, and pays respect to a man who lived a useful life devoted to his family, his church, his County and his State.

Sec. 2. When the General Assembly adjourns on the 27th day of April, 1959, it shall adjourn in memory of Virgil A. Wilson and in respect to his useful life.

Sec. 3. A copy of this Resolution shall be spread upon the minutes of the House of Representatives and the Senate.

Sec. 4. A copy of this Resolution, duly certified, shall be forwarded to the family of Virgil A. Wilson.

Sec. 5. This Resolution shall become effective from and after its adoption.

In the General Assembly read three times and ratified, this the 7th day of May, 1959.

S. R. 339 RESOLUTION 51

A JOINT RESOLUTION PROVIDING FOR THE ELECTION OF JOHN SPRUNT HILL AS AN HONORARY LIFE-TIME MEMBER OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA.

WHEREAS, John Sprunt Hill, born in Duplin County on the 17th day of March, 1869, and a resident of Durham, North Carolina, since 1903, has devoted his long and distinguished life to the service of the people of North Carolina; and

WHEREAS, John Sprunt Hill, as banker, industrialist, promoter of rural credit associations, farmers' mutual exchanges, and other organizations for the improvement of rural life, advocate of good roads and member of the North Carolina Highway Commission, 1917-35, civic leader and legislator, has greatly contributed to the economic, educational, and social welfare of the State; and

WHEREAS, since his graduation from the University of North Carolina in 1889, he has maintained a constant beneficent interest in his Alma Mater as an alumnus and trustee; and

WHEREAS, he has contributed to the architectural and physical development of the University through his service as a member of the Building Committee of the Trustees, 1921-31 and 1946-53 (Chairman 1923-31, 1946), during the two periods of its greatest expansion; and

WHEREAS, John Sprunt Hill and Mrs. Hill have contributed to the stimulation of musical appreciation by members of the University community and North Carolinians generally through the renovation of Hill Music Hall, the addition of a spacious auditorium, and the provision of a splendid pipe organ; and

WHEREAS, as alumni speaker in 1903, he eloquently projected the idea of establishing a great graduate school for the training of experts essential in providing leadership for the State, the South, and the Nation; and

WHEREAS, in the same address, he proposed the development of a great library to support the instructional, research, and service programs of the University, and he and his family have generously provided for its support, particularly of its North Carolina Collection, through the donation of the Carolina Inn which serves as the gracious meeting place for innumerable civic, educational, and cultural organizations as well as for students and their parents and friends, alumni, and University friends and visitors; and

WHEREAS, John Sprunt Hill has assisted through donations in extending the reputation of the University for scholarly publication through the University of North Carolina Press; and

WHEREAS, he has through countless other ways endeared himself to the City and County of Durham, the State, and the University, and is held in great affection and esteem by them:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That John Sprunt Hill be, and he is, hereby elected a lifetime, honorary member of the Board of Trustees of the University of North Carolina.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 14th day of May, 1959.

H. R. 864 RESOLUTION 52

A JOINT RESOLUTION HONORING THE MEMORY OF AND EXPRESSING SYMPATHY UPON THE DEATH OF DAVID COLLIN BARNES, FORMER STATE SENATOR AND MEMBER OF THE HOUSE OF REPRESENTATIVES FROM HERTFORD COUNTY.

WHEREAS, the Honorable David Collin Barnes, former Senator and Representative from Hertford County in the General Assembly, passed away on Wednesday, May 13, 1959, at the age of 83; and

WHEREAS, David Collin Barnes served the people of his county and of his State in a private capacity as a public-spirited citizen, a lawyer and a banker, for many years; and

WHEREAS, David Collin Barnes served for a number of years as Chairman of the Hertford County Democratic Executive Committee; and

WHEREAS, David Collin Barnes served as a member of the State Highway Commission; and

WHEREAS, David Collin Barnes served as a member of the House of Representatives at the 1909 and 1921 Sessions of the General Assembly, and as Senator from the First Senatorial District at the 1911 and 1913 Sessions of the General Assembly; and

WHEREAS, throughout his long and useful life David Collin Barnes served his county, his State and his fellow citizens with honor and distinction:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of David Collin Barnes, North Carolina has experienced a great loss and is grieved in the termination of the life of this distinguished citizen.

Sec. 2. That the General Assembly does hereby express its appreciation of him as a citizen and public servant and expresses its sympathy to his family upon his passing.

Sec. 3. That the Secretary of State shall cause copies of this Resolution to be sent to the surviving members of his family.

Sec. 4. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 15th day of May, 1959.

H. R. 885 RESOLUTION 53

A JOINT RESOLUTION EXPRESSING APPRECIATION FOR THE HOSPITALITY OF MAJOR GENERAL ROBERT F. SINK, COMMANDING GENERAL, 18TH AIRBORNE CORPS AND COMMANDING GENERAL OF FORT BRAGG.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The members of the House of Representatives and the Senate, on behalf of themselves, their wives and guests, desire to express to Major General Robert F. Sink, Commanding General, 18th Airborne Corps and Commanding General of Fort Bragg, and to the officers and men of his Command, their sincere and deep appreciation for the invitation to visit Fort Bragg and for the cordial hospitality, many courtesies, outstanding entertainment and the opportunity to observe the demonstrations presented by the military forces at Fort Bragg.

Sec. 2. A copy of this Resolution shall be transmitted to General Sink.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 19th day of May, 1959.

H. R. 824 RESOLUTION 54

A JOINT RESOLUTION TO DESIGNATE THAT PORTION OF U. S. HIGHWAY NO. 19 EXTENDING FROM THE GEORGIA STATE LINE TO ASHEVILLE, NORTH CAROLINA, AS THE "TOMAHAWK TRAIL."

WHEREAS, that portion of U. S. Highway No. 19 extending from the Georgia State line West of Murphy to Asheville, North Carolina, passes through the most scenic portion of North Carolina; and

WHEREAS, that section of U. S. Highway No. 19 is accessible to the Cherokee Indian Reservation, the Great Smoky Mountains National Park; and

WHEREAS, that section of U. S. Highway No. 19 is traveled yearly by great numbers of tourists from this State and other states of the Nation; and

WHEREAS, it is deemed fitting that that portion of U. S. Highway No. 19 in the mountain region of the western part of this State should be designated as a scenic highway and bear the name of "Tomahawk Trail" in tribute to the Indian culture located in that area:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The section of U. S. Highway No. 19 extending from the Georgia State line West of Murphy to Asheville, North Carolina, shall hereafter be designated and known by the name of "Tomahawk Trail".

Sec. 2. The North Carolina State Highway Commission shall cause appropriate markers to be placed near said highway designating the same as the "Tomahawk Trail".

Sec. 3. A copy of this Resolution, duly certified, shall be forwarded to the Director of the State Highway Commission.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 20th day of May, 1959.

S. R. 368 RESOLUTION 55

A JOINT RESOLUTION FIXING THE TIME AND PLACE FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE ELECTION OF TRUSTEES OF THE GREATER UNIVERSITY OF NORTH CAROLINA AND FOR CONFIRMATION OF APPOINTMENTS MADE DURING THE PAST TWO YEARS TO THE BOARDS OF TRUSTEES OF STATE SUPPORTED COLLEGES.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the Senate and House of Representatives meet in Joint Session on Thursday, 21st day of May, 1959, at 12:15 P. M. in the House Chamber for the purpose of electing Trustees of the Greater University of North Carolina and for the purpose of confirming appointments made during the past two years to the Boards of Trustees of the State Supported Colleges.

Sec. 2. This Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 21st day of May, 1959.

S. R. 397 **RESOLUTION 56**

A JOINT RESOLUTION TO COMMEMORATE THE ONE HUNDREDTH ANNIVERSARY OF THE OIL INDUSTRY.

WHEREAS, the year 1959 marks the one hundredth anniversary of the oil industry in the United States; and

WHEREAS, its first one hundred years exemplify steadfast adherence to the basic principles of our democracy, liberty to the individual, equality of opportunity and freedom of competitive enterprise; and

WHEREAS, its pioneering spirit has contributed to the prosperity of the people of North Carolina and the security of the Nation; and

WHEREAS, the competitive units of the petroleum industry have proved to be versatile public servants by providing all of us with gasoline, fuel oil, lubricants, rubber, plastics, insecticides, fertilizers, paints, asphalt, medicines, and a host of other useful products that make life more bountiful and secure; and

WHEREAS, the million and three-quarter oil men and women are anticipating the economic and social challenges that they must meet in order to endow our children with an even better way of life; and

WHEREAS, approximately 17,000 North Carolina residents derive their income from the oil industry; and

WHEREAS, it is fitting and proper that we set aside a certain period in which to review the progress made by the oil industry and its hopes for the future:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the State of North Carolina hereby joins with the other states of the United States in celebrating the oil industry's one hundredth birthday.

Sec. 2. That 1959 be known as "Oil Centennial Year" in North Carolina.

Sec. 3. That this Resolution be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of May, 1959.

H. R. 1036 **RESOLUTION 57**

A JOINT RESOLUTION IN MEMORY OF JOHN FOSTER DULLES, LATE SECRETARY OF STATE OF THE UNITED STATES.

WHEREAS, John Foster Dulles of the State of New York, rendered distinguished service as a member of the United States Senate, as an advisor to the State Department during the administrations of Presidents Franklin D. Roosevelt and Harry S. Truman, and as Secretary of State for six years during the administration of President Dwight D. Eisenhower; and

WHEREAS, in the interests of his country, John Foster Dulles traveled many thousands of miles during his tenure of office as Secretary of State,

representing the Government of the United States in many important conferences dedicated to the preservation of the peace of the world; and

WHEREAS, under great physical difficulties he continued to serve his country and the world until forced by disease and loss of physical strength to retire from his high office in February, 1959; and

WHEREAS, John Foster Dulles died on Sunday, May 24, 1959, and his body will be buried in Arlington National Cemetery on this date, after funeral services at Washington National Cathedral; and

WHEREAS, John Foster Dulles, in his life and in his career as a lawyer and as a faithful public servant, exemplified the very highest ideals of American Citizenship; and

WHEREAS, his tragic passing is mourned by millions of people throughout the world, and his funeral services will be attended by representatives of many Nations:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the State of North Carolina deeply mourns the passing of John Foster Dulles, and with the rest of the world honors his memory on this, the date of his funeral services and burial.

Sec. 2. Be it further resolved that the State of North Carolina expresses its appreciation for the distinguished services rendered to the Nation and to the world by John Foster Dulles as Secretary of State.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 28th day of May, 1959.

H. R. 1072

RESOLUTION 58

A JOINT RESOLUTION PROVIDING FOR THE ELECTION OF WILLIAM RAND KENAN, JR., AS AN HONORARY LIFETIME MEMBER OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA.

WHEREAS, William Rand Kenan, Jr., was born in Wilmington of pre-Revolutionary Duplin, Wake and Orange Counties, North Carolina families, and although he has lived in many far corners of the earth, his heart always has been with the people of his native State; and

WHEREAS, William Rand Kenan, Jr., as a student at Chapel Hill, translated the Latin motto of his Alma Mater into modern American reality—liberating the University community from the Dark Ages, bringing light to replace the midnight oil by personally installing the first electric power system in the village; and

WHEREAS, William Rand Kenan, Jr., down through the years continues to illuminate the life of the University and to bring it more power and glory by being a patron of chemistry, physics and engineering; and

WHEREAS, William Rand Kenan, Jr., was the counsellor, guide and mentor of his gracious sister, Mrs. Mary Lily Kenan Flagler, in her

establishment of the Kenan Professorships which have kept so many distinguished teachers in Chapel Hill; and

WHEREAS, William Rand Kenan, Jr., was one of the generous donors that helped build WUNC-TV, the University television station, extending one thousandfold the campus and influence of the University; and

WHEREAS, William Rand Kenan, Jr., by his will, has directed that State College shall one day own his famous Randleigh Farm, an experimental laboratory for the advancement of science of animal husbandry and the related values of animal feeds and human foods; and

WHEREAS, the panorama of Kenan Stadium, worthy of the parental name it bears, is a picture indelibly imprinted on the memory of any visitor to Chapel Hill—a unique amphitheatre where the undoubted values of intercollegiate football have been dramatized, and the Kenan pageantry has woven Chapel Hill inextricably into the hearts and souls of Tar Heels everywhere:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That William Rand Kenan, Jr., be, and he is hereby elected a lifetime, honorary member of the Board of Trustees of the University of North Carolina.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 29th day of May, 1959.

S. R. 414 RESOLUTION 59

A JOINT RESOLUTION URGING THE MEMBERS OF THE NORTH CAROLINA DELEGATION IN THE UNITED STATES CONGRESS TO PRESERVE COTTON ALLOTMENT ACREAGE TO NORTH CAROLINA FARMERS.

WHEREAS, cotton is the number two controlled agricultural product in North Carolina, and, when other industries which process and utilize this fiber are considered, cotton is by far the major industry of this State; and

WHEREAS, changes in the pattern of agriculture in this State indicate the imperative need for adjustments in present Federal laws which inflexibly govern cotton acreage allotted to North Carolina and provide for loss of unused such acreage to North Carolina; and

WHEREAS, the utilization of cotton acreage by the thousands of farmers who want to grow cotton in North Carolina represents a major potential of agricultural income to them and to the State as a whole:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina respectfully urges the Congressional delegation of this State in the 86th United States Congress to work, with all expediency, toward adjustments in present Federal

laws controlling cotton acreage allocation to the end that unwanted and abandoned cotton acreage, which after this crop year will tend to go to other states, be made available to active cotton farmers in North Carolina.

Sec. 2. A copy of this Resolution shall be sent to each member of the North Carolina delegation in the Congress of the United States.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 2nd day of June, 1959.

H. R. 1212 RESOLUTION 60

A JOINT RESOLUTION HONORING THE MEMORY OF HINTON LEE JOYNER, FORMERLY OF NORTHAMPTON COUNTY.

WHEREAS, Hinton Lee Joyner, formerly of Northampton County was born on January 3, 1866, and died on January 4, 1958; and

WHEREAS, Hinton Lee Joyner served as Sheriff of Northampton County for a period of thirty (30) years; and

WHEREAS, Hinton Lee Joyner served as a member of the House of Representatives from Northampton County in the 1937 and 1939 Sessions of the General Assembly; and

WHEREAS, Hinton Lee Joyner served as Sergeant at Arms of the House of Representatives in the 1941, 1943, 1945, 1947 and 1949 Sessions of the General Assembly; and

WHEREAS, Hinton Lee Joyner attended every Democratic State Convention from 1900 to 1949; and

WHEREAS, Hinton Lee Joyner was a delegate to the National Democratic Convention in Chicago in 1932:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. In the death of Hinton Lee Joyner, not only the General Assembly of this State, but the State of North Carolina as a whole has experienced a great loss and profound grief at the termination of the life of this distinguished North Carolinian.

Sec. 2. The General Assembly of North Carolina hereby expresses its highest appreciation of Hinton Lee Joyner as a citizen and public servant and expresses its sympathy to his loved ones and to his family at his passing.

Sec. 3. A copy of this Resolution, duly certified, shall be furnished the family of Mr. Joyner.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

S. R. 457 **RESOLUTION 61**

A JOINT RESOLUTION HONORING THE MEMORY OF CARY HOWARD KING.

WHEREAS, Cary Howard King died on April 24, 1959, at the age of ninety-five; and

WHEREAS, in the death of Cary Howard King the State of North Carolina has suffered the loss of a courageous, sincere, and useful public servant; and

WHEREAS, among his many public services during his long and useful life, he served as a member of the Caswell County Board of Education for four years and as a member of the Caswell County Board of Commissioners for twenty years, much of the time as Chairman, and as Chairman of the Caswell County Selective Service Board during World War I; and

WHEREAS, he served devotedly and ably in the North Carolina State Senate during the Regular Session of 1907 and the Special Session of 1908; and

WHEREAS, Cary Howard King and three brothers in 1893 formed and operated the King Brothers Tobacco Factory, which for many years functioned successfully and to the advantage and encouragement of tobacco production in North Carolina; and

WHEREAS, he was a conscientious and successful farmer and businessman until past the age of ninety years; and

WHEREAS, he was a valued and devoted member of Bethel Methodist Church for more than three-score years and was a teacher in the Sunday School of that church for sixty years, in addition to serving as a member of the board of stewards and the board of trustees; and

WHEREAS, the General Assembly of North Carolina wishes to make record of its appreciation of the life and accomplishments of Cary Howard King and of its sincere sorrow in his passing:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That in the death of Cary Howard King, not only the General Assembly of this State but the State of North Carolina as a whole has experienced a great loss and experiences profound grief at the termination of the life of this distinguished North Carolinian.

Sec. 2. That the General Assembly of North Carolina hereby expresses its highest appreciation of the life of Cary Howard King as a citizen and public servant and expresses its sympathy to his family at his passing.

Sec. 3. That a copy of this Resolution, duly certified, shall be furnished the family of Mr. King.

In the General Assembly read three times and ratified, this the 5th day of June, 1959.

H. R. 901

RESOLUTION 62

A JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO EXTEND EDUCATION BENEFITS TO VETERANS OF THE ARMED FORCES WHO ENTERED OR WHO ENTER THE SERVICE SUBSEQUENT TO FEBRUARY 1, 1955.

WHEREAS, millions of veterans of World War II and of the Korean Conflict have been educated under the provisions of the Veterans Education Program established by the Federal Government; and

WHEREAS, many veterans were able to obtain further education through the benefits of the Veterans Education Program which would not otherwise have been possible; and

WHEREAS, the education of millions of veterans has contributed to an increase in the educational level of this country and has produced a major national asset which has contributed much to the economy of this country; and

WHEREAS, reliable statistics have proved that increased income to veterans arising out of their higher education level will more than reimburse the National Treasury of the entire cost of the GI Training Program by 1970; and

WHEREAS, the President of the United States, by executive order on January 31, 1955, stopped the educational benefits for persons serving in the Armed Forces of the United States after February 1, 1955; and

WHEREAS, it is believed that as long as the draft is continued that all persons serving in the Armed Forces should be extended the educational opportunities enjoyed by veterans serving prior to February 1, 1955; and

WHEREAS, it has been demonstrated that the investment in the education of such veterans will be more than repaid to the public treasury through increased taxes resulting from higher incomes of such veterans:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina does hereby memorialize the Congress of the United States to extend GI educational benefits to all veterans who entered, or who enter, military services from and after February 1, 1955, and that such educational benefits be extended so long as the provisions of the draft law exist.

Sec. 2. Upon adoption of this Resolution, a copy thereof shall be mailed to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the Congress from the State of North Carolina.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 9th day of June, 1959.

S. R. 503 **RESOLUTION 63**

A JOINT RESOLUTION HONORING THE LIFE, MEMORY AND ACHIEVEMENTS OF DR. JAMES H. CRAWFORD, A FORMER SENATOR AND REPRESENTATIVE IN THE NORTH CAROLINA GENERAL ASSEMBLY.

WHEREAS, Dr. James H. Crawford of Robbinsville, North Carolina, died on June 10, 1959, at the age of 92, thus ending a long life of distinguished service to the western counties of North Carolina and to the State as a whole; and

WHEREAS, it is fitting and proper that the General Assembly of North Carolina should pause and take notice of the death and outstanding achievements in the life of this former member of each House of the General Assembly; and

WHEREAS, James H. Crawford was born in Clay County more than ninety-two years ago and spent his entire life in the Counties of Clay, Cherokee, Macon and Graham; and

WHEREAS, after attending the Hicksville Academy at Hayesville and studying medicine for three years at the University of Chattanooga, Dr. Crawford began the practice of medicine at the age of twenty-six and continued in the practice for sixty-six years, having delivered more than four thousand babies during that time, and having practiced medicine in the Counties of Clay, Cherokee, Macon and Graham; and

WHEREAS, in addition to his medical practice, Dr. Crawford operated a hotel in Robbinsville from 1943 until the time of his death, and owned and operated two farms; and

WHEREAS, Dr. Crawford was a member of the House of Representatives during the Session of 1939 and 1945, and represented the Thirty-third Senatorial District in the Senate of North Carolina during the Session of 1953; and

WHEREAS, Dr. Crawford was a 32nd Degree Scottish Rite Mason for more than fifty-two years and was a member of the Oasis Temple of the Mystic Shrine; and

WHEREAS, Dr. Crawford's son, Frank Crawford, served as Sheriff of Cherokee County and was murdered in 1953 while engaged in the performance of his duties as sheriff; and

WHEREAS, Dr. Crawford is survived by two sons, namely, George Crawford and Lee Crawford and two daughters, namely, Mrs. Fred White and Mrs. J. W. Johnson; by a brother, Bart Crawford, fourteen grandchildren and twenty-two great grandchildren; and

WHEREAS, Dr. James H. Crawford gave freely of his time and efforts in the promotion of the religious, civic and political life in Western North Carolina and was a leader in many progressive movements; and

WHEREAS, his passing represents a keen loss to the extreme western counties of the State, and to the State as a whole, of an untiring public servant and a good citizen:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That in the death of Dr. James H. Crawford the State of North Carolina has lost a distinguished and devoted public servant, and the General Assembly of North Carolina pauses and gives honor to his character and achievements as a former member of both the Senate and the House of Representatives.

Sec. 2. That a copy of this Resolution shall be spread upon the minutes of the Senate and a copy shall be sent to the family of Dr. Crawford.

Sec. 3. This Resolution shall become effectual upon its adoption.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. R. 1113 RESOLUTION 64

A JOINT RESOLUTION RECOGNIZING THE FLAT ROCK PLAYHOUSE AT FLAT ROCK, NORTH CAROLINA, AS THE WESTERN NORTH CAROLINA THEATER.

WHEREAS, in 1940 the Vagabond Players, a theatrical group from the State of New York, converted a hundred-year-old grist mill into the Old Mill Playhouse at Highland Lake, Flat Rock, North Carolina, to establish successfully the State's first professional summer theater; and

WHEREAS, during World War II, the Vagabond Players were disbanded but were reorganized in 1948 to continue theatrical productions at Flat Rock, North Carolina; and

WHEREAS, in 1952, the Vagabond Players were reorganized under the direction of a regional board of directors from the Carolinas and developed into a nonprofit, educational and cultural corporation; and

WHEREAS, the present Vagabond School and Playhouse is located at Flat Rock, Henderson County, North Carolina, and is situated in the heart of the vacation land of Western North Carolina; and

WHEREAS, patrons from all forty-eight states and some foreign countries attend performances of the Flat Rock Playhouse during its theatrical season; and

WHEREAS, the Vagabond Players of the Flat Rock Playhouse rank as one of the ten best summer stock companies; and

WHEREAS, the Vagabond School of Drama, under the direction of a regional board of directors, operates a summer school at the Flat Rock Playhouse; and

WHEREAS, in conjunction with the School of Drama, a professional theatre is operated for a minimum of ten weeks during the summer months at the Flat Rock Playhouse; and

WHEREAS, the Flat Rock Playhouse is one of the oldest summer attractions in the State and is the second most popular summer attraction in North Carolina; and

WHEREAS, the Flat Rock Playhouse produces a minimum of ten plays in the State of North Carolina during the summer theatrical season; and

WHEREAS, for no monetary consideration, the Flat Rock Playhouse promises to further and assist the State of North Carolina in its work of advertising and promoting the educational, cultural and economic interests of the State, and in attracting and encouraging people from other states and countries to visit the State where so many shrines and historical sites are located; and

WHEREAS, the Flat Rock Playhouse wishes to receive recognition from the General Assembly of North Carolina for its contribution over a period of twenty years to the cultural life of this State by being recognized by the General Assembly as the State Theater of North Carolina:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina hereby recognizes the contributions made by the Flat Rock Playhouse over a period of twenty years to the cultural life of this State.

Sec. 2. The General Assembly of North Carolina hereby recognizes the Flat Rock Playhouse at Flat Rock, North Carolina, as the Western North Carolina Theater.

Sec. 2½. This Resolution shall not be interpreted as placing any financial obligation on the State of North Carolina towards the support in any manner of the Flat Rock Playhouse.

Sec. 2¾. Nothing herein shall be construed to discourage further promotion and development of drama and theatrical undertaking in this State and to earn similar recognition to that granted herein.

Sec. 3. A copy of this Resolution, duly certified by the Secretary of State upon its adoption, shall be forwarded to the Flat Rock Playhouse, Flat Rock, North Carolina.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. R. 1041 RESOLUTION 65

A JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMISSION TO MAKE A STUDY OF AGRICULTURAL LOAN PROGRAMS FOR GRAIN STORAGE FACILITIES, INCLUDING GREATER UTILIZATION OF EXISTING LOAN PROGRAMS AND POSSIBLE NEEDS FOR NEW PROGRAMS, AND TO ASSIST GRAIN PRODUCERS IN SECURING MAXIMUM BENEFITS.

WHEREAS, a Joint Resolution petitioning the Commodity Credit Corporation for certain changes in regulations relating to the Agricultural Stabilization Corporation loan program for grain storage facilities was adopted by this General Assembly on May 5, 1959; and

WHEREAS, said Resolution requests the Commodity Credit Corporation through the North Carolina Committee of the Agricultural Stabilization Corporation to extend the maximum term of loans under the program so as to make available better loans to grain and peanut producers

under the program, and to extend the loan facilities for other grain and peanut purposes under the loan program; and

WHEREAS, it is necessary that a Commission be appointed to study the overall agricultural loan program for grain storage facilities, and to assist and advise grain producers as to benefits and advantages available under the present loan program; and

WHEREAS, a comprehensive and complete study of agricultural loan programs for grain storage facilities ought to be undertaken immediately with the objective of furnishing such information and making such recommendations to the Governor, the General Assembly of 1961, and the grain producers of the State, as may assist the grain producers in obtaining maximum desirable benefits under agricultural loan programs for grain storage facilities:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby created a Commission to be known as the North Carolina Grain Commission to be composed of five members. The Commission shall be appointed by the Governor on or before July 1, 1959. The Commission shall elect its chairman.

Sec. 2. The Commission shall make a complete and thorough study of agricultural loan programs for grain storage facilities and the economic advantages of grain storage facilities to North Carolina farmers, and shall study and recommend ways and means for providing and developing maximum desirable grain storage facilities in North Carolina, either through increased utilization of existing programs or the development of new programs.

Sec. 3. It shall be the duty of the chairman of the Commission to work with the grain producers of the State by advising the grain producers of the benefits under the loan program, to promote farm loans for grain storage and production, and to perform such other duties as may be imposed upon him by the Commission.

Sec. 4. In the performance of their duties, the members of the Commission shall be paid the sum of ten dollars ($10.00) per day plus such subsistence and travel allowance as is provided for State officials and employees generally. The Commission may submit for approval by the Governor and Council of State a recommendation that the chairman devote full time to the work of the Commission and receive additional compensation therefor. The Commission shall be authorized, with the approval of the Governor, to employ necessary clerical and other assistance as may be deemed necessary in the performance of its duties. All expenses incurred by the Commission in the performance of its duties shall be paid out of the Contingency and Emergency Fund of the State.

Sec. 5. It shall be the duty of the Commission to make its report to the General Assembly of 1961, setting forth its conclusions and recommendations.

Sec. 6. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 17th day of June, 1959.

H. R. 1345 **RESOLUTION 66**

A JOINT RESOLUTION HONORING THE MEMORY OF JAMES ARCHIBALD HARDISON.

WHEREAS, James Archibald Hardison, of Wadesboro, North Carolina, died on the first day of December, 1958; and

WHEREAS, in the death of this outstanding man, the State of North Carolina and the County of Anson has suffered the loss of a courageous, public-minded citizen who made great contributions to the service of his County and State; and

WHEREAS, among his many accomplishments and public service during his useful life, on two different occasions he served as a member of the North Carolina State Highway and Public Works Commission, the first of such times being during the Administration of Governor Ehringhaus, and the second during the Administration of Governor Umstead, and during each of said terms his services gained Statewide recognition; and

WHEREAS, he served the Democratic Party during his entire life with untiring effort and having served from 1937 continuously until the time of his death as Chairman of the Democratic Executive Committee of Anson County; and

WHEREAS, he served his country with distinction during World War I, having been cited and decorated for bravery and gallantry in action; and

WHEREAS, the General Assembly of North Carolina wishes to make record of its appreciation of his life and accomplishments and of its sincere sorrow in his passing:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of James Archibald Hardison, not only the General Assembly of this State, but the State of North Carolina as a whole, has experienced a great loss in the termination of the life of this distinguished North Carolinian.

Sec. 2. That the General Assembly of North Carolina hereby expresses its highest appreciation of James Archibald Hardison as a citizen and public servant and expresses its sympathy to his loved ones and to his family at his passing.

Sec. 3. That a copy of this Resolution, duly certified, shall be furnished the family.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

H. R. 1347

RESOLUTION 67

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLAUDE CLARENCE ABERNATHY, FORMER MEMBER OF THE GENERAL ASSEMBLY FROM NASH COUNTY, AND EXPRESSING REGRET AND SYMPATHY AT HIS PASSING.

WHEREAS, The Honorable Claude Clarence Abernathy, who served the people of his native County and State with great distinction as Representative from Nash County in the House of Representatives of the General Assembly of North Carolina during the Regular Sessions of 1935, 1937, 1939 and 1941 and the Special Sessions of 1936 and 1938, was on Sunday morning, June 7, 1959, called to meet his Creator; and

WHEREAS, Claude Clarence Abernathy during the fifty-four years of his life made an outstanding record of public service and achievement not only in the General Assembly but also as the first Burial Commissioner of the State of North Carolina from the year 1941 to the year 1949 and as a Special Assistant to the United States Attorney General from the year 1949 to the year 1950; an attorney by profession, he engaged in the practice of law during that portion of his adult life which was not dedicated full time to public service and as a civic and political leader, a Mason, a member of the Spring Hope Baptist Church and later the Nashville Baptist Church, teacher of the Men's Bible Class and Sunday School Superintendent in the latter church and as Moderator of the Roanoke Baptist Association, he made an outstanding contribution to the life of his community; and

WHEREAS, the State of North Carolina through its General Assembly desires to honor the memory of Claude Clarence Abernathy and express to his widow and family its sorrow at his passing:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina hereby expresses its sincere and profound sorrow to his widow, Mrs. Sadymae Walton Abernathy, and his family and expresses its appreciation for his life and service as a citizen and public servant.

Sec. 2. This Resolution shall become a part of the public record of the 1959 Session of the General Assembly of North Carolina and a copy thereof shall be duly certified by the Secretary of State and by him transmitted to the widow.

Sec. 3. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.

S. R. 406

RESOLUTION 68

A JOINT RESOLUTION CONGRATULATING AND COMMENDING THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR ITS OUTSTANDING SAFETY RECORD.

WHEREAS, the North Carolina State Highway Commission is steaming ahead at full speed with a program to make North Carolina's highways safer for all motorists; and

WHEREAS, the National Safety Council accorded the Commission the "Award of Honor" for an outstanding employee safety record in 1958; and

WHEREAS, the award granted by the National Safety Council is the Council's highest award, and the State Highway Commission is one of only six similar State agencies ever to receive the award; and

WHEREAS, during the year 1958, the 15,982 permanent employees and prison laborers had more than 39 million man-hours with an accident frequency record of only 6.49 per million man-hours worked; and

WHEREAS, the State Highway Commission has for several years maintained a speed-up safety program with 5,200 employees being qualified in first aid, with 400 first aid instructors, and with 566 advanced first aid students; and

WHEREAS, the State Highway Commission's excellent safety record came during the greatest highway construction program in North Carolina's history:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina congratulates and commends the State Highway Commission on its outstanding safety record and wishes for the Commission continued success in its employee safety program and in its endeavor to promote safety on North Carolina's highways.

Sec. 2. A copy of this Resolution, duly certified, shall be transmitted to the Chairman of the State Highway Commission and to the Director of Highways.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. R. 973

RESOLUTION 69

A JOINT RESOLUTION CREATING A COMMISSION TO STUDY THE PUBLIC SCHOOL EDUCATION OF EXCEPTIONALLY TALENTED CHILDREN.

WHEREAS, the State and Nation are largely dependent for leadership in all fields on those persons who have exceptional talent; and

WHEREAS, the future of our State and Nation will be determined largely by the extent to which the abilities of our more talented children are today trained and developed; and

WHEREAS, in the interest of the future peace and security of the world, it is essential that we give to each child, within the framework of our democratic school system, opportunity and encouragement to develop all of his abilities:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby created a commission to be known as The Commission to Study the Public School Education of Exceptionally Talented Children. The purposes of the Commission shall be:

(a) To determine the best methods of ascertaining which of the children in our public schools are exceptionally talented in any field of learning embraced by the school curriculum.

(b) To determine the best methods of training the talented children in each field of learning so as to develop, within the framework of our democratic school system, the capabilities of the children as soundly and rapidly as possible.

(c) To consider the problem of enlisting the support of local school boards and local citizens in implementing programs designed to develop the capabilities of the more able children.

(d) To present to the Governor and to the next Session of the General Assembly such suggestions for aiding in the training of the more able children as the Commission may see fit and to present to the State Superintendent of Public Instruction, the State Board of Education and local Boards of Education such suggestions for action as the Commission may deem appropriate.

(e) To focus attention of the public on the importance of maximum development of the talents of our school children.

(f) To study and make recommendations concerning such related matters as the Commission may see fit.

The Commission may limit its investigations to any particular age group or other group of students but, in any event, it shall consider the problems herein outlined as they may pertain to students in the high schools of the State.

Sec. 2. The Commission shall consist of nine members, all of whom shall be appointed by the Governor. Three of the nine members shall be nominated to the Governor by the Speaker of the House, two of the members shall be nominated by the Lieutenant Governor, and two of the members shall be nominated by the State Board of Education. All nominations shall be made to the Governor prior to September 1, 1959. The Governor shall designate one of the members as chairman.

Sec. 3. The Commission shall have the authority to examine records in the various offices, institutions and agencies of the State and of the political subdivisions of the State and to request the assistance of the personnel of any such offices, institutions, agencies or subdivisions in

accomplishing the purposes of the Commission. The Commission is authorized to employ such clerical and research assistants and such other assistants as the Commission, with the approval of the Governor, may deem desirable. All expenses incurred by the Commission shall be paid from the Contingency and Emergency Fund.

Sec. 4. Members of the Commission shall receive the same per diem subsistence and travel allowance as may be prescribed for members of State Boards and Commissions generally.

Sec. 5. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 19th day of June, 1959.

H. R. 1071 RESOLUTION 70

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT AN ADVISORY COMMITTEE ON AVIATION.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Governor of North Carolina is authorized to appoint a State Advisory Committee on Aviation to consist of seven members who shall serve at the pleasure of the Governor. In making the appointments to this Committee, the Governor shall designate one member engaged in commercial aviation, one member who is connected with one of the several aviation authorities of the State, one member who is engaged in business aviation, one member who operates his private plane flying for business or pleasure, one member each from municipal and county governments engaged in maintaining air facilities and one member who is the operator of a private air facility.

The State Department of Conservation and Development will serve as the coordinating agency between the Committee and the Governor.

The Advisory Committee shall make a continuing study of the problems which exist and may arise in this State respecting various aviation problems and shall from time to time make its report to the Governor of its findings and recommendations.

The Advisory Committee or any member thereof shall, at the direction of the Governor, represent the State of North Carolina in meetings relating to aviation matters wherein the State of North Carolina might have an interest.

The Advisory Committee shall carry out such other functions and duties relating to aviation in North Carolina as the Governor may direct.

The members of the Committee shall be paid from the Contingency and Emergency Fund the same per diem, subsistence and travel allowance while performing the duties of their office as is now prescribed for State Boards and Commissions generally.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. R. 1085

RESOLUTION 71

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION TO STUDY AND MAKE RECOMMENDATIONS TO THE GOVERNOR AS TO THE NECESSITY AND ADVISABILITY OF A REORGANIZATION OF THE STATE GOVERNMENT IN THE INTEREST OF MORE EFFICIENT AND ECONOMICAL ADMINISTRATION OF THE SAME.

WHEREAS, the Commission on Reorganization of State Government authorized by the 1953, 1955 and 1957 Sessions of the General Assembly have given careful study to the various State agencies and have presented legislation to this Session of the General Assembly which is in the interest of economy and efficiency in the State government; and

WHEREAS, the work of the Commission should be continued in order that other definite action may be taken in respect to the consolidation, separation or abolition of some State agencies:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Governor of North Carolina is authorized and empowered to appoint a commission to be composed of nine members and to be known as the Commission on Reorganization of State Government.

Sec. 2. It shall be the duty of this Commission to make a detailed and thorough study of all agencies, commissions, departments and separate units of State government with the view of determining whether or not there shall be a consolidation, separation, change or abolition of one or more of these several agencies, commissions, departments and units in the interest of more efficient and economical administration. The Commission is authorized and directed to examine any and all of the several agencies, commissions, departments and separate units of the State government, their functions, methods of procedure, activities and the purposes of their creation and establishment. To accomplish this objective, the Commission shall have access to all books, records, and offices of the said agencies, commissions, departments and units and through its chairman, may administer oaths, subpoena and compel attendance of witnesses, and do any and all things necessary to accomplish the objective and purposes of this Resolution. The Commission shall report and make its recommendations to the Governor on or before the fifteenth day of November, 1960. The Commission is specially directed to make a thorough and exhaustive study of the feasibility and advisability of the creation of a North Carolina Commercial Fisheries Commission to be charged with the administration of the laws regulating commercial fishing in the commercial fishing waters of the State.

Sec. 3. Upon its appointment, the Commission shall organize by electing from its membership a chairman, a vice-chairman and a secretary. The Commission is authorized, with the approval of the Governor, to employ such clerical and other assistants and services as may be deemed necessary in the performance of its duties and the members of the

Commission shall be paid the sum of seven dollars ($7.00) per day and such necessary travel expenses and subsistence and other expenses as may be incurred by them in the performance of their duties, all to be paid out of the Contingency and Emergency Fund.

Sec. 4. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. R. 1117 RESOLUTION 72

A JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A SPECIAL COMMISSION TO STUDY THE FEASIBILITY OF UTILIZING PUBLIC SCHOOL BUILDINGS AND SCHOOL FACILITIES ON A YEAR-ROUND OR TWELVE MONTHS BASIS.

WHEREAS, a serious problem exists in this State as to providing adequate public school buildings and school facilities for a rapidly increasing school-age population; and

WHEREAS, a tremendous capital outlay would be necessary to expand adequately the public school facilities so as to provide needed classrooms and other school facilities; and

WHEREAS, public school buildings are primarily used for school purposes only on a nine-months basis:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Governor of North Carolina is authorized to appoint a commission composed of five members and to be known as the Commission for the Study of a Twelve Months' Use of Public School Buildings and Facilities for Public School Purposes. One member shall be a State Senator; one, a member of the State House of Representatives; one, a person actively engaged in public school work; one, a person residing in a City School Administrative Unit; and one, a person residing in a County School Administrative Unit. The Governor shall designate the chairman. The commission shall meet at the call of the Governor or the chairman, and at such times as the commission shall determine.

Sec. 2. It shall be the duty of the commission to make a thorough study of the feasibility and practicability of utilizing public school buildings and facilities for public school purposes on a twelve-months or year-round basis, the feasibility and practicability of an eleven-year, ten-month school system, and report its findings and recommendations to the Governor and to the General Assembly of 1961.

Sec. 3. The commission is authorized, with the approval of the Governor, to secure such clerical and other assistance and services as may be deemed necessary in the performance of its duties and the members of the commission shall be paid such per diem, subsistence and travel allowances as are prescribed in the Biennial Appropriations Act for State

boards and commissions generally. All expenses shall be paid out of the Contingency and Emergency Fund.

Sec. 4. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. R. 1123 RESOLUTION 73

A JOINT RESOLUTION DIRECTING THE STATE BOARD OF EDUCATION TO STUDY TEACHER EVALUATION, RATING AND CERTIFICATION.

WHEREAS, there is a growing demand on the part of the people of the State and their elected representatives in the General Assembly that greater attention should be paid to the quality of educational opportunities offered the children of the State; and

WHEREAS, there is an expressed desire by the General Assembly to give consideration to quality of educational opportunity in future appropriations for the State System of Public Schools; and

WHEREAS, studies are already underway by groups such as the Curriculum Study Commission dealing with certain aspects of improvements in quality of the educational offering; and

WHEREAS, there are other areas of public school policy and administration which, in the opinion of the General Assembly and the people, also require additional study; and

WHEREAS, the State Board of Education has, itself, recognized this fact by adopting, in August 1958, a Resolution which reads as follows:

"Teacher Evaluation, Rating and Certification. That the Board authorize a two-year study of the quality of teaching in the public schools of the State with particular attention to methods by which some determination of the degree of quality exemplified by different persons may be made. It was pointed out that many experiments in teacher evaluation have been in progress in various parts of the nation; that the problem was studied by a special commission authorized by the 1945 General Assembly; and that the Board of Directors of the North Carolina Education Association has pledged cooperation with the State Board of Education in making such a study. On motion of Dr. Phillips, seconded by Mr. McCrary, the Board authorized a two-year comprehensive study of the question through a commission of at least 25 members to be appointed by the Board—the commission to be composed of lay and professional personnel selected to insure the widest possible range of interest in all phases of the problem."

WHEREAS, such study commission has not been appointed despite the fact that it is evident that the qualitative adequacy of academic and professional preparation varies widely among individual professional trainees and that academic standards vary among institutions and among departments of institutions, there being at present no realistic method employed to maintain uniform minimum standards of quality of academic preparation for professional personnel entering upon service in the schools; and

WHEREAS, certificates issued to teachers and other professional school employees by the State of North Carolina are at present based upon the quantity of academic preparation and the amount of professional experience, the quality of said academic preparation and the quality of professional skill being entirely assumed; and

WHEREAS, a scientifically standardized professional examination designed to establish uniform minimum qualitative standards of academic and professional training appears to be a highly desirable extension and improvement of the less scientific and ununiform tests and measurements currently employed; and

WHEREAS, there have been developed a number of objective-type, printed examinations, scientifically designed, validated, and standardized by the best educational authorities, which examinations are for the purpose of comprehensively measuring the quality of academic and professional preparation in the field of education; and

WHEREAS, such objective standardized tests can provide evidence for establishing a uniform minimal standard of preparation for all teachers entering the profession in North Carolina regardless of the college attended or courses pursued; and

WHEREAS, tests can additionally provide evidence for establishing graded standards for the degree of preparation beyond the minimal standard; and

WHEREAS, it is desirable to adjust salary schedules based, at least in part, upon greater rewards for teachers with superior preparation; and

WHEREAS, superior preparation is now assumed to be recognized under existing certification regulations through the means of "B", "A" and "G" Certificates; and

WHEREAS, the problem most often cited by the education profession is the fact that superior teachers leave the State or the profession to seek jobs elsewhere because of inadequate pay; and

WHEREAS, both lay and professional educators alike generally agree that mere possession of subject matter and professional knowledge above minimum requirements is no absolute guarantee that an individual will be a good teacher but it is also recognized that teachers, no matter how interested or well-motivated, cannot impart knowledge which they do not possess; and

WHEREAS, The North Carolina Education Association, by official resolution, finds that "the passing of a test" as "another factor in the certification of beginning teachers" would raise "professional standards and (increase) the prestige of the teaching profession in the eyes and opinions of the public" and further finds that "teachers would not oppose this proposal, remembering that members of other groups take prescribed tests in order to qualify for their professions"; and

WHEREAS, The North Carolina Education Association has further endorsed a study of "Teacher Evaluation, Rating and Certification" by the State Board of Education:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The State Board of Education is hereby directed to make a study of "Teacher Evaluation, Rating and Certification . . . with particular attention to methods by which some determination of the degree of quality exemplified by different persons may be made" and to report its findings to the 1961 Session of the General Assembly.

Sec. 2. The General Assembly of North Carolina does further direct the State Board of Education to administer the National Teacher Examination or its nationally recognized equivalent (1) to every applicant when said applicant shall first apply for certification as a teacher, supervisor, principal, superintendent or other professional status related to instruction in a school in North Carolina; (2) to every applicant who shall apply for higher class of certificate than the certificate then held by said applicant; (3) to every applicant who shall apply for a certificate in a different capacity than that in which the applicant is certified at the time of making said application; (4) to every professional employee of the public schools who, being certified prior to the ratification of this Resolution, shall thereafter voluntarily request to take said examination; it being the opinion of the General Assembly that information obtained from such examinations will provide normative data which will enable the true quality of teacher preparation to be evaluated in North Carolina by the State Board of Education.

Sec. 3. The General Assembly does further direct that specific scores of individuals should be regarded as confidential information obtained for research purposes only and that no entry should be made on an individual certificate or on any person's record as to scores achieved.

Sec. 4. The General Assembly does further recommend to the State Board of Education that it invite various educational associations, professional societies, faculties and other organizations actively concerned with the improvement of instruction in the schools of North Carolina, to appoint representatives to serve as an Advisory Committee to the State Board of Education in conducting their study of Teacher Evaluation, Rating and Certification.

Sec. 5. Nothing in this Resolution is intended to, in any way, limit the studies which the State Board of Education may wish to carry out or the recommendations which it may wish to make in its report. It is rather the intent of this Resolution that the State Board of Education shall, prior to the convening of the 1961 General Assembly, at a minimum, develop objective information as to the actual quality of professional and subject matter preparation of members of the educational profession in the State of North Carolina.

Sec. 6. The Governor and Council of State are authorized to allocate sufficient funds from the Contingency and Emergency Fund to cover costs incurred in the implementation of this program.

Sec. 7. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified this the 20th day of June, 1959.

H. R. 1262 **RESOLUTION 74**

A JOINT RESOLUTION MEMORIALIZING CONGRESS TO LEGALIZE THE HUNTING OF LOONS (GAVIA IMMER) EITHER DURING THE REGULAR WATERFOWL HUNTING SEASON OR OTHERWISE.

WHEREAS, the migratory bird known properly as gavia immer and commonly known as the loon is protected at all times by a treaty between the United States and Canada, and

WHEREAS, the natives of Carteret County in particular have for generations hunted loons for food, sport and to some extent used the leg bone commercially for fish lures, and

WHEREAS, the natives in the breeding grounds of Canada are allowed to kill other protected migratory fowl at all times for food and to some extent clothing, and

WHEREAS, it is definitely known that the loon eats and destroys millions of dollars in commercial and sports fish in the United States annually, and

WHEREAS, in Carteret County alone the loon destroys thousands of dollars of fish annually and works a hardship on the commercial and sports fisherman:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That North Carolina's Senators and Congressional Delegation be requested to make every effort to have the treaty between the United States and Canada amended to the end that the hunting of loons either during the regular waterfowl hunting season or during the months of April and May when they are most destructive. It is hereby resolved that Senators Sam Ervin and Everett Jordan and the North Carolina Congressional Delegations make every effort to have the treaty between the United States and Canada amended so as to legalize the hunting of loons either during the regular waterfowl hunting season or preferably in the months of April and May when they are most destructive to the commercial fisheries.

Sec. 2. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. R. 1322 RESOLUTION 75

A JOINT RESOLUTION AUTHORIZING AND DIRECTING THE SECRETARY OF STATE TO HAVE PRINTED THREE THOUSAND FIVE HUNDRED COPIES OF THE PUBLIC SCHOOL LAWS ENACTED BY THE GENERAL ASSEMBLY OF 1959, AND PROVIDING THAT THE DISTRIBUTION THEREOF BE UNDER THE DIRECTION OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Resolved by the House of Representatives, the Senate concurring:

Section 1. That the Secretary of State be, and he is hereby authorized and directed to have printed not more than three thousand five hundred (3,500) copies of the Public School Laws enacted by the General Assembly of 1959, to be distributed by the State Superintendent of Public Instruction.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. R. 1332 RESOLUTION 76

A JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION EQUALIZING THE PAY SCALES OF RETIRED PERSONNEL OF THE ARMED SERVICES.

WHEREAS, the Career Compensation Act, Public Law 422, enacted by the 85th Congress, raised the pay scales of all personnel on active duty in the Armed Services; and

WHEREAS, it had theretofore been customary to equalize the pay scales of retired personnel whenever the pay scales of persons on active duty were increased; and

WHEREAS, the above referred to Public Law 422 failed to make provision for comparable increase in the pay scales of personnel retired before June 30, 1958, and granted such personnel only a six per cent (6%) increase instead of the full increase, while those retiring after June 30, 1958 receive the full increase in proportion to the increase for active duty personnel; and

WHEREAS, such failure has resulted in discrimination and inequity; and

WHEREAS, fairness and equality of treatment requires correction of this discriminatory situation; and

WHEREAS, there is now pending in Congress HR 703, which is designed to equalize the pay of retired personnel and eliminate existing discrimination:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the Congress of the United States be urged to enact HR 703 so as to equalize the pay of retired personnel of the Armed Services.

Sec. 2. That the Secretary of State shall cause a copy of this Resolution to be sent to the two members of the United States Senate and to each member of the House of Representatives from North Carolina, and to each member of the United States Senate and House Armed Services Committees.

Sec. 3. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. R. 1361 RESOLUTION 77

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ARTHUR H. GOODMAN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

WHEREAS, the General Assembly of North Carolina has been profoundly grieved at the death of Honorable Arthur H. Goodman, of Charlotte, on June 17, 1959, at the age of 62; and

WHEREAS, the Honorable Arthur H. Goodman was a distinguished citizen of Mecklenburg County which he ably represented at the 1945, 1953 and 1955 Sessions of the General Assembly; and

WHEREAS, the Honorable Arthur H. Goodman was a leader in countless civic, service and fraternal organizations; and

WHEREAS, the Honorable Arthur H. Goodman courageously and cheerfully labored for the improvement of the welfare of his fellowmen despite a crippling muscular disability; and

WHEREAS, the General Assembly of North Carolina wishes to make record of its appreciation of his life and accomplishments, and its sincere sorrow at his death:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Arthur H. Goodman the State of North Carolina has lost one of its most able, useful and loyal citizens.

Sec. 2. That the General Assembly of North Carolina does hereby express its high appreciation of him as a citizen and servant of this State, and does extend its sincere sympathy to his family.

Sec. 3. That a copy of this Resolution be furnished to Mrs. Arthur H. Goodman and family at Charlotte, North Carolina.

Sec. 4. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. R. 705 **RESOLUTION 78**

A JOINT RESOLUTION COMMENDING THE MEMBERS OF THE COMMISSION TO STUDY THE CAUSE AND CONTROL OF CANCER IN NORTH CAROLINA TOGETHER WITH THE NORTH CAROLINA DIVISION OF THE AMERICAN CANCER SOCIETY, THE MEDICAL SOCIETY OF NORTH CAROLINA AND THE STATE BOARD OF HEALTH, AND PROVIDING FOR THE CONTINUANCE OF THIS COMMISSION DURING THE NEXT BIENNIUM.

WHEREAS, Governor Luther H. Hodges, pursuant to Joint Resolution No. 34 of the 1957 Session of the General Assembly, appointed the following-named persons as members of "The Commission to Study the Cause and Control of Cancer in North Carolina", to wit: Ozmer L. Henry, Lumberton; Dr. Rachel D. Davis, Kinston; H. Fields Young, Jr., Shelby; Mrs. H. L. Bacon, Bryson City; Mrs. Lucille Beasley, Colerain; Dr. D. H. Bridger, Bladenboro; Mrs. Alphonso Elder, Durham; Dr. J. Grady Faulk, Monroe; Dr. John R. Kernodle, Burlington; R. M. Kermon, Wilmington; Dr. Mark McD. Lindsey, Hamlet; Dr. James F. Marshall, Winston-Salem; Tom G. Maxwell, Hickory; Mrs. John C. Murrill, Jacksonville; Dr. Zack Owens, Elizabeth City; K. A. Pittman, Snow Hill; Dr. Hubert McN. Poteat, Jr., Smithfield; Dr. David L. Pressley, Statesville; Dr. James S. Raper, Asheville; and Mrs. Grace Taylor Rodenbough, Walnut Cove; and

WHEREAS, this Commission has gathered valuable information and statistical records, which information has been and will be of great value to this and future Legislatures as demonstrated in its report to the Governor; and

WHEREAS, according to its report, this Commission has been given great assistance by various boards, societies, institutes and committees; and

WHEREAS, the efforts of these various boards, societies, institutes and committees will pay dividends in time to help control the number two killer—cancer:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Cancer Commission heretofore named is extended a hearty vote of thanks for its outstanding work on this Commission.

Sec. 2. The State Board of Education, the North Carolina Division of the American Cancer Society, The Medical Society of North Carolina, particularly the Cancer Committee, the State Board of Health and the North Carolina Cancer Institute are hereby commended for their efforts to control cancer, by education, among our citizens in cancer control, research and operation of diagnostic centers and care of terminal cases.

Sec. 3. The existence of the Commission shall be continued for the effective use of assembled information and to study means of implementing their recommendations and to assist in their development, and to make such additional studies and recommendations as circumstances may warrant. The Commission, to be appointed by the Governor, shall be com-

posed of ten persons chosen from the medical profession and ten persons not associated with the medical profession. The Commission shall report to the Governor not later than January 1, 1961, its findings and recommendations, said report to be submitted by the Governor to the 1961 Session of the General Assembly.

Sec. 4. Members of the Commission shall be paid for the performance of their duties the same per diem and subsistence and travel allowance as is provided for other Commissions in the Biennial Appropriations Act. These expenses and such other expenses as the Commission may incur in the performance of its duties, not exceeding a total of ten thousand dollars ($10,000.00), shall be paid out of the Contingency and Emergency Fund.

Sec. 5. A copy of this Resolution shall be sent to the members of the Cancer Commission and to each group named.

Sec. 6. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

H. R. 1319 RESOLUTION 79

A JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMITTEE TO STUDY THE PRACTICE OF CONFINING WILD ANIMALS AS TOURIST ATTRACTIONS TO REPORT BACK TO THE 1961 GENERAL ASSEMBLY.

WHEREAS, there exist in this State, and especially in those sections where there are many tourists, persons who maintain cages in which are confined wild animals which have been captured and which are maintained solely for attracting tourists and visitors to patronize some commercial project operated by the owner; and

WHEREAS, many persons consider the practice of confining wild animals in cages for profit to constitute an extremely cruel practice that should be corrected:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the Speaker of the House of Representatives appoint three members and the President of the Senate appoint two members of a committee to make a careful study of the practice referred to in the preamble to this Resolution and to make recommendations to the 1961 Session of the General Assembly as to the necessity for any legislation correcting the practice indicated. The members of said committee shall serve without compensation.

Sec. 2. This Resolution shall become effectual upon its adoption.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. R. 412

RESOLUTION 80

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION REPORT UPON THE PAY OF PUBLIC SCHOOL TEACHERS BASED UPON THE ABILITY OF THE INDIVIDUAL TEACHER, AND TO STUDY AND REPORT MEANS OF IMPLEMENTING CURRICULUM STUDIES IN THE PUBLIC SCHOOLS.

WHEREAS, the present salary schedule for teachers in the public schools of North Carolina does not take into account the individual ability and the value of the services rendered by the individual teacher and the work done by the individual teacher in the public schools of the State; and

WHEREAS, it is desirable to have an incentive for teachers to excel in their profession and encourage the best endeavors of the teachers to improve their teaching capacity; and

WHEREAS, it is in the interest of the public schools of the State that the merit of an individual teacher be recognized and awarded by salaries based upon individual teaching ability in addition to minimum standard salary; and

WHEREAS, intensive curriculum studies are now being made, the findings of which will need implementation in order that the school children of North Carolina may benefit from the findings and receive maximum education; and

WHEREAS, there is widespread disagreement among educators, legislators and taxpayers as to the feasibility and needs of a merit system for teachers, and a change in the public school curriculum, the elimination of which would improve public relations; and

WHEREAS, the rapid increase in school population and demand for additional revenue makes it necessary that we derive the maximum benefit from our teaching effort and financial expenditures; and

WHEREAS, the continuing better education of our youth is a fundamental and continuing necessity for the welfare of our citizens:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Governor is hereby authorized and empowered to appoint a commission to be known as the North Carolina Commission for the Study of Teacher Merit Pay and Implementation of a Revised Public School Curriculum to consist of not more than seventeen members including the Superintendent of Public Instruction, the Chairman of the North Carolina Board of Education, five members representing the North Carolina General Assembly, five members representing the school profession and five members representing the public. The Governor shall designate one of the members as Chairman.

Sec. 2. It shall be the duty of this Commission to study any and all problems involved in teacher merit pay, and the implementation of a revised public school curriculum, to the end that our public school system may be strengthened and the public relations improved. The Commission

shall fully investigate and report their findings as to the methods by which the compensation of teachers in the public schools of the State may be based upon merit and the individual capacity and ability of the respective teachers, to the end that such capacity and ability may be recognized, and compensation provided therefor in addition to the minimum standard salaries.

Sec. 3. The Commission shall work with and in consultation with the State Board of Education, or its representatives, in conducting its studies.

Sec. 4. The Commission shall be authorized to employ an executive secretary and such other assistants as it, from time to time, with the approval of the Governor, finds necessary. The salaries of the executive secretary and all other assistants employed by the Commission shall be fixed by the Commission with the approval of the Governor and shall be paid, together with all other necessary and proper expenses of the Commission, from the Contingency and Emergency Fund.

Sec. 5. The Commission shall make its report to the Governor of North Carolina on or before December 1, 1960, and the Governor shall transmit said report to the 1961 North Carolina General Assembly. Members of the Commission shall receive the same per diem and travel allowances as that allowed officers and employees of the State while in the performance of their duties, said pay and expenses to be paid from the Contingency and Emergency Fund.

Sec. 6. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 20th day of June, 1959.

S. R. 515 RESOLUTION 81

A JOINT RESOLUTION BY THE GENERAL ASSEMBLY OF NORTH CAROLINA PROVIDING FOR ADJOURNMENT ON SATURDAY, JUNE 20, 1959.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That both the Senate and the House of Representatives constituting the General Assembly of 1959, do adjourn sine die on Saturday, June 20, 1959, at 3:00 o'clock P. M.

Sec. 2. That this Resolution shall be in force and effect upon its adoption.

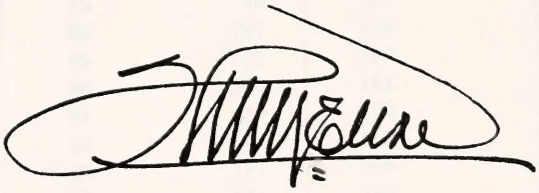
In the General Assembly read three times and ratified, this the 20th day of June, 1959.

STATE OF NORTH CAROLINA,

DEPARTMENT OF STATE,

RALEIGH, JUNE 22, 1959

I, THAD EURE, Secretary of State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.



Secretary of State.

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